



Journal of the Senate

Number 37

Tuesday, May 30, 1978

The Senate was called to order by the President at 9:00 a.m.
A quorum present—37:

Mr. President	Gordon	Plante	Trask
Barron	Graham	Poston	Vogt
Castor	Hair	Renick	Ware
Chamberlin	Henderson	Sayler	Williamson
Childers, Don	Holloway	Scarborough	Wilson
Childers, W. D.	Johnston	Scott	Winn
Dunn	Lewis	Skinner	Zinkil
Firestone	MacKay	Spicola	
Gallen	McClain	Thomas, Jon	
Glisson	Peterson	Thomas, Pat	

Excused: Senator Gorman; periodically, conferees on SB 1100 and HB 2044—Senators Lewis, Gordon, W. D. Childers, Peterson, Plante, Spicola, Trask, Hair

Prayer by Father Rick Moore, Assistant Rector, Church of the Holy Comforter, Tallahassee:

Almighty God, our heavenly Father, send down upon those who hold office in this state, the spirit of wisdom, charity, and justice; be present to give guidance and insight for the decisions that are to be made here; so that with steadfast purpose they may faithfully serve in their offices to advance the well-being of all people; all this we pray through Jesus Christ our Lord. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 30, 1978:

SB 1137	HB 25	SB 1355	SB 292
SB 795	SB 1345	HB 1042	SB 399
SB 1357	SB 1185	SB 1197	CS for SB 452
HB 73	SB 1149	SB 804	SB 799
CS for HB 320	SB 906	CS for CS for	CS for SB 812
CS for HB 150	HB 829	SB 119	SB 830
CS for HB 914	HB 35	CS for SB 100	SB 670
HB 1532	HB 583	CS for SB 37	HB 367
HB 861	HB 854	SB 39	SB 1348
SB 1098	HB 1045	SB 40	HB 364
CS for SB 139	SB 823	CS for SB 64	
HB 811	HB 2155	CS for SB 188	
HB 506	HB 1219	CS for SB 168	

Respectfully submitted,
W. D. Childers, Chairman

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HM 1898 was withdrawn from the Committee on Rules and Calendar.

Senator Henderson moved that the rules be waived and HB 927 be withdrawn from the Committee on Natural Resources and Conservation.

The President stated that HB 927 had implications of more than a local nature and requested the staff of the Committee on Natural Resources and Conservation to examine the bill and make a determination as to the general application.

On motion by Senator Holloway, by two-thirds vote SB 362 was withdrawn from the Committee on Transportation.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 857 and HB 1209 were withdrawn from the Committee on Appropriations.

On motions by Senator Pat Thomas, by two-thirds vote HCR 1634 was withdrawn from the Committees on Rules and Calendar and Appropriations.

REQUESTS FOR EXTENSION OF TIME

May 31, 1978

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following:

SB 2 by Senator Sayler	SB 553 by Senator Hair
SB 24 by Senator Sayler	SB 554 by Senator Hair
SB 27 by Senator Renick	SB 573 by Senator Castor
SB 36 by Senator Graham	SB 593 by Senator Gordon
SB 81 by Senator Williamson	SB 617 by Senator Gallen
	SB 817 by Senator Dunn
SB 116 by Senator Zinkil	SB 832 by Senator Williamson
SB 142 by Senator Williamson	CS for HB 492 by Judiciary Committee
SB 145 by Senator Henderson	SB 360 by Senator Holloway
SB 221 by Senator Graham	SB 1104 by Executive Business Committee
SB 241 by Senator Holloway	
SB 242 by Senator Henderson	SB 1296 by Senators Dunn and Winn
SB 254 by Senator Johnston	SB 1206 by Senator Williamson
SJR 314 by Senator Sayler	SB 1215 by Senator Winn
SB 353 by Senator Gordon	SB 1226 by Senator Spicola
SB 397 by Senator Firestone	SB 1229 by Senator Winn
SB 460 by Senator Plante	SB 1257 by Senator Ware
SB 464 by Senator Sayler	SB 1309 by Senator Gordon
SB 494 by Senator MacKay	SB 1312 by Senator Poston
SB 631 by Senator MacKay	SB 1211 by Senator Zinkil
SB 527 by Senator Gordon	
SB 533 by Senator Hair	

May 30, 1978

The Committee on Finance, Taxation and Claims requests an extension of 4 days for consideration of the following:

SB 210 by Senator Glisson and others	SB 1239 by Senator MacKay
SB 848 by Senator Williamson	SB 1301 by Senator W. D. Childers and others
SB 1182 by Senator Jon Thomas	SB 1306 by Senator Tobiasen
SB 1196 by Senator W. D. Childers	

May 26, 1978

The Committee on Commerce requests an extension of 10 days for consideration of the following:

SB 7 by Senator Graham	SB 407 by Senator Plante
SB 8 by Senator Zinkil	SB 467 by Senator Myers
SB 19 by Senator Scarborough and others	SB 478 by Senator Firestone
	SB 484 by Senator Firestone
SB 25 by Senator Sayler	SB 538 by Senator Firestone
SB 33 by Senator Gorman	SB 599 by Senator Gordon
SB 48 by Senator Graham	SB 605 by Senator Scott
SB 55 by Senator Zinkil and others	SB 633 by Senator Sayler
	SB 673 by Senator Spicola
SB 69 by Senator Winn	SB 708 by Senator Dunn
SB 118 by Senator Peterson	SB 710 by Senator Dunn
SB 190 by Senator Scott	SB 716 by Senator MacKay
SB 240 by Senator Henderson	SB 724 by Senator Gallen
	SB 749 by Senator Myers and others
SB 306 by Senator Firestone	SB 763 by Senator Gallen
SB 336 by Senator Gordon	SB 776 by Senator Ware
SB 370 by Senator McClain	SB 781 by Senator Myers and others
SB 377 by Senator Graham	
SB 390 by Senator Gallen	

SB 809 by Senator Myers and others
 SB 833 by Senator William-son
 SB 841 by Senator Saylor
 SB 887 by Senator Scott
 SB 909 by Transportation Committee
 SB 959 by Senator Hair
 SB 966 by Senator McClain
 SB 990 by Senator Johnston
 SB 1005 by Senator Barron
 SB 1006 by Senator Scarborough
 SB 1012 by Senator McClain and others
 SB 1013 by Senator Hair
 SB 1030 by Senator Dunn
 SB 1031 by Senator McClain
 SB 1065 by Senator McClain
 SB 1094 by Senator Ware
 SB 1099 by Senator Holloway
 SB 1113 by Senator Jon Thomas
 SB 1121 by Senator Gallen
 SB 1139 by Senator Pat Thomas
 SB 1143 by Senator Dunn
 SB 1153 by Senator Gordon
 SB 1155 by Senator Gordon
 SB 1168 by Senator Vogt
 SB 1178 by Senator Skinner
 SB 1189 by Senator Pat Thomas

SB 1191 by Senator Scarborough
 SB 1201 by Senator Plante
 SB 1217 by Senator Barron
 SB 1218 by Senator Pat Thomas
 SB 1230 by Senator Gordon
 SB 1231 by Senator Holloway
 SB 1232 by Senator Renick
 SB 1236 by Senator Holloway
 SB 1242 by Senator Glisson
 SB 1248 by Senator Jon Thomas
 SB 1249 by Senator Jon Thomas
 SB 1259 by Senator Gallen
 SB 1267 by Senator Gallen
 SB 1270 by Senator Gallen
 SB 1277 by Senator Gallen
 SB 1278 by Senator Gallen
 SB 1287 by Senator Scott
 SB 1300 by Senator Skinner
 SB 1311 by Senator Graham
 SB 1314 by Senator Gallen
 HB 2049 by Criminal Justice Committee
 HB 601 by Representatives Culbreath, Lehman and others
 SB 287 by Senator Chamberlin
 SB 579 by Senator Gallen

Amendment 1—On page 1, lines 13 and 14, strike all of said lines and insert: Section 2. This act shall take effect July 1, 1978.

On motion by Senator Firestone, the Senate concurred in the House amendment.

SB 301 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Plante	Thomas, Pat
Castor	Gorman	Poston	Tobiassen
Chamberlin	Graham	Renick	Trask
Childers, Don	Hair	Saylor	Vogt
Childers, W. D.	Henderson	Scarborough	Ware
Dunn	Holloway	Scott	Williamson
Firestone	Johnston	Skinner	Wilson
Gallen	MacKay	Spicola	Winn
Glisson	Peterson	Thomas, Jon	Zinkil

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Governmental Operations and Senator Henderson and others—

SB 310—A bill to be entitled An act relating to regulation of pilots; amending s. 310.002(2), Florida Statutes; redefining the term "pilot"; amending s. 310.011, Florida Statutes; increasing the number of members on the State Board of Pilot Commissioners; amending s. 310.021, Florida Statutes; prescribing qualification for membership on the board and providing for appointment of licensed state pilots from specified ports to the board; amending s. 310.061, Florida Statutes; providing the quota of licensed state pilots for designated ports; providing criteria for determining the necessary number of licensed pilots; removing certain saving provisions; amending s. 310.071(2), Florida Statutes; revising the procedure for application for a pilot license and for a deputy pilot certificate; adding s. 310.091(7), Florida Statutes; providing that the State Board of Pilot Commissioners may require proof of mental and physical capability from an applicant, a licensed pilot, or a certificated deputy pilot; adding s. 310.101(5), Florida Statutes; providing that the board may suspend or revoke a pilot license or a deputy pilot certificate for negligence, incompetence, or misconduct; amending s. 310.151(1), Florida Statutes; providing a method to fix rates of pilotage; providing notice and hearing requirements; repealing s. 310.081(3), Florida Statutes, relating to the method of filling vacancies in the number of licensed pilots; reviving and readopting chapter 310, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976; providing for retroactivity; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, strike everything after enacting clause and insert: Section 1. Section 310.002, Florida Statutes, is amended to read:

310.002 Definitions.—As used in this act:

(1) The word "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(2) The term "pilot" means a licensed state pilot or a ~~certificated~~ ^{certified} deputy pilot.

(3) The term "board" means the State Board of Pilot Commissioners.

(4) The word "port" means any place in the state into which vessels enter or depart and includes, without limitation,

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State CS for SB 108, CS for SB 261, SB 343, CS for SB 346, CS for SB 671, and CS for CS for SB 165 which he had approved May 29, 1978; Senate Bills 15, 68, 163, 339, 401, 655, 687, 770, and 901 which he had approved May 28; Senate Bills 264 and 294 which he had approved May 26.

The Governor advised that he had transmitted to the office of the Secretary of State SB 695 which will become law without his signature.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended—

HB 1981	HB 16	HB 1362
HB 663	HB 1568	HB 187
CS for HB 456		

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 791.

Allen Morris, Clerk

The concurrent resolution contained in the foregoing message was ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Firestone and others—

SB 301—A bill to be entitled An act relating to the Department of State; providing an appropriation to the Division of Cultural Affairs of the Department of State; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Fernandina, Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Ft. Pierce, West Palm Beach, Port Everglades, Miami, Key West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port Tampa, Manatee, St. Petersburg, Clearwater, Apalachicola, Carrabelle, Panama City, Port St. Joe, and Pensacola.

(5) The term "pilotage waters of the state" means the navigable waters within the boundaries of the state.

(6) The term "piloting" means the acts of pilots in conducting vessels through the pilotage waters of the state.

(7) The word "pilotage" means the compensation fixed by the board which is payable by a vessel, its owners, agents, charterers, or consignees to one or more pilots.

(8) The term "license" or "certificate" means the document issued by the department ~~board~~ to pilots.

(9) The term "department" means the Department of Professional and Occupational Regulation.

Section 2. Section 310.011, Florida Statutes, is amended to read:

310.011 Board of Pilot Commissioners; qualifications.—A board is established within the Division of Professions of the Department of Professional and Occupational Regulation to be known as the State Board of Pilot Commissioners. Said board shall be composed of ~~ten~~ *nine* members, five of whom shall be licensed state pilots actively practicing their profession. Said board shall perform such duties and possess and exercise such powers relative to the protection of the waters, harbors, and ports of this state as ~~are~~ *is* prescribed and conferred on it in this chapter. *Within fourteen days from any meeting of the board, the board shall forward a written report to each pilot outlining any actions of the board taken at the meeting which would affect any pilots.*

Section 3. Section 310.021, Florida Statutes, is amended to read:

310.021 How board constituted.—

(1) The Governor shall appoint five active licensed state pilots who shall possess the qualification specified in s. 310.011 and ~~five~~ *four* citizens of the state who are not pilots, two of whom shall be actively involved in their professional or business capacity in maritime or marine shipping, and ~~three~~ *of whom shall not be involved or monetarily interested in the piloting profession or in the maritime industry or marine shipping*, to constitute the members of the board. Members of the board shall be so classified by the Governor that the term of office of two shall expire in 1 year, two in 2 years, and three in 4 years, from the date of appointment; thereafter, at the end of said terms, the Governor shall appoint members who shall serve for a term of 4 years. *The Governor shall appoint the tenth member to the board for a term of 4 years.* The Governor shall have power to remove members of the board from office for neglect of duty required by this law, for incompetency, or for unprofessional conduct. Any vacancy which may occur in said board in consequence of death, resignation, removal from the state, or other cause shall be filled for the unexpired term by the Governor in the same manner. A majority of those serving on the board shall constitute a quorum.

(2) In appointing members to the board who are pilots, the Governor shall appoint *one member from the state at large*; one member from any of the following ports: Pensacola, Panama City, or Port St. Joe; one member from any of the following ports: ~~Tampa Bay~~ *Apalachicola, Carrabelle*, Boca Grande, Punta Gorda, Charlotte Harbor, or Key West; one member from any of the following ports: Fernandina, Jacksonville ~~Palm Beach, Ft. Pierce~~, or Port Canaveral; and one member from ~~any each~~ *each* of the following ports: ~~Ft. Pierce~~ *Tampa, St. Petersburg, Miami, Port Everglades, or Palm Beach and Jacksonville.*

Section 4. Sections 310.022, 310.023, and 310.024, Florida Statutes, are created to read:

310.022 Trust fund; budget.—

(1) All moneys collected by the department from fees authorized by this chapter shall be paid into the Professional and Occupational Regulation Trust Fund, which said fund is created in the department. It is the intent of this provision that such fees collected, even to the exhaustion thereof, shall be di-

rectly applied by the department for the purposes provided in this act, with particular emphasis being placed upon enforcement of the provisions hereof. The legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter. The legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

(2) The department, with the advice of the board, shall prepare and submit a proposed budget in accordance with the law.

310.023 Complaints; disciplinary proceedings.—

(1) Any complaint that a licensee has violated a provision of this chapter or any rule promulgated hereunder shall be filed with the department. Subsequent to its investigation, the department shall determine whether there exists probable cause to believe the allegations contained in the complaint are true. If the department finds probable cause, it shall petition the board for a hearing and the Department of Legal Affairs shall prosecute the complaint before the board. The hearing, and the board's determination subsequent to the hearing, shall be in accordance with the provisions of chapter 120, Florida Statutes.

(2) A complaint may be filed pursuant to the provisions of subsection (1) by any person.

(3) Upon a finding of guilt by a hearing conducted pursuant to this chapter upon a filed complaint, the board shall have the power to revoke or suspend the license of a state pilot or to revoke or suspend the certification of a deputy pilot, or to reprimand, censure, or otherwise discipline a license or certificate holder.

310.024 Rulemaking.—

(1) The board shall have the power to adopt rules necessary to the provisions of this act, in conformance with the provisions of chapter 120, Florida Statutes.

(2) The secretary of the department is deemed to be a person substantially affected by a rule or proposed rule for the purpose of seeking an administrative determination of the invalidity of such rule or proposed rule. The secretary may seek such administrative determination of the invalidity of any rule or proposed rule on the ground that it is an invalid exercise of delegated legislative authority or an undue restriction of competition, pursuant to chapter 120, Florida Statutes.

Section 5. Section 310.051, Florida Statutes, is amended to read:

310.051 Personnel; employment.—

(1) The department ~~board~~ may appoint or employ such personnel, ~~including, but not limited to, an executive director~~, as may be necessary to assist the department and the board in doing and performing any and all of the powers, duties, and obligations set forth in this chapter. Such personnel need not be licensed state pilots or members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the department ~~board~~. *Except as otherwise provided in this chapter, the department shall provide all legal services necessary in carrying out the provisions of this chapter.*

(2) The department shall hire a person knowledgeable and experienced in matters related to piloting. Such person shall act for the department on matters of examination and investigation and, when he deems it necessary, in the selection of legal counsel qualified in admiralty law. On an annual basis, the board shall recommend to the department a person knowledgeable and experienced in matters related to piloting to fill this post, and the department may accept or reject the recommendation. If the department rejects the board's recommendation, the board shall continue to submit recommendations until one is accepted by the department. Unless there is affirmative action by both the board and the department, at the end of each year, the position shall be declared vacant and the board shall submit a new recommendation for a person to fill such position.

Section 6. Section 310.061, Florida Statutes, is amended to read:

310.061 Provision for licensing ~~Quotas of~~ licensed state pilots.—

(1) There shall not be more than ~~three two~~ pilots for the Port of Pensacola; ~~three for the ports of Apalachicola and Carrabelle, East and West Passes inclusive; three two~~ for the Port of Fernandina and Nassau Inlet; ~~sixteen thirteen~~ for the St. Johns River, including the Port of Jacksonville; ~~eighteen fifteen~~ for Tampa Bay, including the Ports of Tampa, Port Tampa, Manatee, and St. Petersburg; ~~four three~~ for the Ports of Punta Gorda, Charlotte Harbor, and Boca Grande, inclusive; ~~three two~~ for the Port of Panama City; ~~three two~~ for the Port of Key West; ~~three two~~ for the Port of Palm Beach; ~~three two~~ for the Port of Ft. Pierce; ~~four three~~ for the Port of Port Canaveral; ~~twelve ten~~ for the Port of Miami; ~~ten eight~~ for the Port of Port Everglades; ~~three two~~ for the Port of Port St. Joe; and two for any port not specifically mentioned in this chapter. Nothing herein shall be construed to require the appointment of the maximum number of pilots authorized for any port.

(2) The board shall determine the number of pilots in conformance with subsection (1) based on the supply and demand for piloting services and the public interest in maintaining efficient and safe piloting services. Notwithstanding any change in the number of pilots for any port heretofore in effect, all licensed state pilots who, on the effective date of this act, were duly licensed and acting as state pilots shall be entitled to continue to hold their licenses as state pilots without necessity for reexamination, such licenses to be held henceforth in accordance with the provisions of this chapter.

(3) All deputy or apprentice pilots heretofore appointed and acting in such capacity in any port in the state on October 1, 1975, shall receive certificates from the board as deputy pilots for their respective ports without necessity of reexamination.

Section 7. Section 310.071, Florida Statutes, is amended to read:

310.071 Application for license or certificate; qualification of applicants.—

(1) In addition to the requirements specified in this chapter, applicants for a license as a state pilot or for certification as a deputy pilot shall also possess the following qualifications:

(a) Shall be at least 18 years of age.

(b) Shall have had 3 years' service as a deputy pilot or apprentice pilot in the port wherein license or certification is desired, or alternatively equivalent maritime experience satisfactory to the board.

(c) ~~Shall be of good moral character.~~

(c) ~~(d)~~ Shall be in good physical and mental health.

(d) ~~(e)~~ Shall have completed 12 years of formal education or the equivalent thereof satisfactory to the board.

(2) Each applicant for a license as state pilot or for a certificate as deputy pilot shall make application to the ~~department board~~ upon such form and in such manner as shall be adopted and prescribed by said ~~department board~~, and each application shall be signed by a majority of the licensed state pilots in the port where applicant desires to serve. Each application shall be accompanied by a fee set by the board which shall not exceed \$100, payable to the secretary of the ~~department board~~. No part of the fee payable hereunder is returnable under any circumstances to the applicant.

Section 8. Section 310.081, Florida Statutes, is amended to read:

310.081 ~~Department Board~~ to examine and license state pilots and certificate deputy pilots; vacancies.—

(1) The ~~department board~~ shall examine persons who file application as state pilot in all matters pertaining to the management of vessels and in regard to their knowledge of the channels, waters, harbors, and ports where they wish to serve, and, if upon written examination the ~~department board~~ finds them qualified to pilot all classes of vessels liable to enter that port and thoroughly familiar with the waters, the channels, the harbor, and the port, the ~~department board~~ shall appoint and license as state pilots such number of pilots as in the discretion of the board are required to act in the ports of the state. However, the number of pilots appointed and licensed by the ~~department board~~ shall not exceed the number provided for ~~quotas~~ specified in s. 310.061.

(2) The ~~department board~~ shall similarly examine persons who file applications for certificate as deputy pilot, and, if upon written examination the ~~department board~~ finds them qualified, the ~~department board~~ shall appoint and certificate such number of deputy pilots as in the discretion of the board are required in the respective ports of the state. Deputy pilots shall be authorized by the ~~department board~~ to pilot vessels within the limits and specifications established by the licensed state pilots at the port where the deputy is appointed to serve.

(3) In filling vacancies in the number of licensed state pilots for any port in this state, the board shall consider applications in the following order of preference:

(a) Applications filed by certificated deputy pilots in active service in the port at the time of the vacancy in order of seniority of said deputy pilots.

(b) Applications filed by individuals who are otherwise qualified.

(4) Pilots will hold their licenses or certificates pursuant to the requirements of this chapter so long as they possess the qualifications set out in this chapter and remain in active service in the ports for which they are appointed. Upon resignation or in the case of disability permanently affecting a pilot's ability to serve, the state license or certificate issued under this chapter shall be revoked by the ~~department board~~.

Section 9. Section 310.091, Florida Statutes, is amended to read:

310.091 Powers of the ~~department board~~.—In addition to all other powers conferred by this chapter, the ~~department board~~ shall have the following powers:

(1) To issue a license as a state pilot or a certificate as deputy pilot to qualified applicants who pass the examination conducted by the ~~department board~~.

(2) In the course of any investigation, to issue and serve witness subpoenas and subpoena duces tecum and administer oaths and take testimony.

(3) ~~To adopt a seal by which to authenticate its official acts and documents.~~

(4) ~~To make and adopt, pursuant to chapter 120, necessary and appropriate rules and regulations to implement this chapter.~~

(3) ~~(5)~~ To require holders of licenses or certificates and applicants for licenses or certificates to submit pertinent information under oath necessary to determine their qualifications or to enforce the provisions of this chapter.

(4) ~~(6)~~ When any violation of this chapter or rule or regulation promulgated thereunder has occurred or is threatened by any person, to institute proceedings in its own name in the appropriate courts in this state to restrain and enjoin such actions.

(5) ~~To require an applicant for vacancy, a licensed state pilot, or a certificated deputy pilot to submit proof of his mental or physical capability to serve, or to continue to serve, as a pilot or deputy pilot.~~

Section 10. Section 310.101, Florida Statutes, is amended to read:

310.101 Discipline, suspension, revocation, revocation of license; powers.—The board shall have authority to discipline or suspend a licensed state pilot or certificated deputy pilot or to revoke the license or certificate of either, under this chapter or any antecedent law, who, after hearing, has been adjudged unqualified or guilty of any of the following:

(1) Failing to demonstrate the qualifications or standards for a license or a certificate contained in this chapter or in the rules and regulations of the board.

(2) Using narcotics or any other type drug, chemical, or material which impairs his ability to act as a pilot with reasonable skill and safety.

(3) Using alcohol to an extent which impairs his ability to fulfill his obligations as a pilot or which impairs his ability to act as a pilot with reasonable skill and safety.

(4) Violating a lawful rule or regulation promulgated by the board or violating a lawful order of the board in a disciplinary hearing.

(5) Negligence, incompetence, or misconduct in the performance of piloting duties.

Section 11. Subsection (1) of section 310.111, Florida Statutes, is amended to read:

310.111 Casualty investigations, procedures, reports.—

(1) All casualties sustained by a vessel on which there is employed a licensed state pilot or a certificated deputy pilot. The board shall make and promulgate rules and regulations which require the reporting and the investigation of collisions, groundings, stranding, or other maritime perils sustained by vessels on which there was employed a licensed state pilot or a certificated deputy pilot. All such casualties shall be promptly reported to the board by the licensed state pilot or deputy pilot involved therein, on forms and in the manner prescribed by the board. The board, after receiving a report of casualty, shall decide if an investigation is necessary to determine the cause of the casualty and to ascertain whether the casualty resulted as a consequence of any act or omission of a licensed state pilot or certificated deputy pilot. The board shall investigate all casualties which involve loss of life and those casualties about which a complaint has been filed by one of the affected parties.

Section 12. Section 310.121, Florida Statutes, is amended to read:

310.121 Biennial Annual fees for licenses and certificates.—The department board shall assess and collect biennially annually from each licensed state pilot and each certificated deputy pilot a fee not to exceed \$200 \$100 in the case of a licensed state pilot or \$100 \$50 in the case of a certificated deputy pilot, such fees to be set by the board.

Section 13. Section 310.131, Florida Statutes, is amended to read:

310.131 Percentage Board to receive percentage of gross pilotage assessed.—The department board shall assess the licensed state pilots in the respective ports of the state a percentage of the gross amount of pilotage earned by said pilots during each year, such percentage to be established by the board and not to exceed 2 percent, to be paid into the Professional and Occupational Regulation Trust Fund as created by this act within the department trust funds as set forth in s. 215.37 by said pilots at such time and in such manner as the board shall prescribe or as shall be set forth in the Appropriations Act. The financial records of all pilots and deputy pilots relating to pilotage are subject to audit by the Auditor General.

Section 14. Subsection (1) of section 310.151, Florida Statutes, is amended to read:

310.151 Rates of pilotage.—

(1) The board is granted the power under this chapter to fix, by order, rates of pilotage to be charged by licensed state pilots and certificated deputy pilots after a hearing held pursuant to the Administrative Procedure Act. Such hearing shall be held at the port area affected by a proposed rate change unless all parties to the proposed change consent to the hearing being held at another location. The rates of pilotage in effect in the ports in the state on April 1, 1975, shall be in effect on the effective date of this act and shall be collectible and enforceable until the board fixes different rates of pilotage as provided in this chapter. In addition to any other notice requirements imposed by law, the board shall provide notice of a hearing to consider changes in rates of pilotage for a particular port by:

(a) Publishing such notice in a newspaper of general circulation in the affected port area; and

(b) Mailing such notice to each person or organization which has requested advance notice of the proceedings of the board.

Such publication and mailing of notice shall occur at least 14 days prior to the hearing.

Section 15. Subsections (1) and (2) of section 215.37, Florida Statutes, are amended to read:

215.37 Examining and licensing boards to be financed from fees collected; moneys deposited in trust funds; 10 percent to general revenue fund; appropriation.—

(1) For the purposes of this section, examining and licensing boards shall include: State Board of Accountancy, Florida State Board of Architecture, Florida Barbers' Sanitary Commission, Florida State Board of Chiropractic Examiners, State Board of Cosmetology, Florida State Board of Dentistry, State Board of Dispensing Opticians, Florida State Board of Professional Engineers and Land Surveyors, State Board of Registration for Foresters, State Board of Funeral Directors and Embalmers, Florida State Board of Examiners of Landscape Architects, Florida Board of Massage, State Board of Medical Examiners, State Board of Naturopathic Examiners, Florida State Board of Nursing, Florida State Board of Optometry, State Board of Osteopathic Medical Examiners, Florida Board of Pharmacy, Board of Podiatry Examiners, Florida State Board of Examiners of Psychology, Florida Real Estate Commission, Sanitarians' Registration Board, Florida State Board of Veterinary Medicine, Florida Watchmakers' Commission, and Florida Construction Industry Licensing Board, and State Board of Pilot Commissioners.

(2) Except as otherwise provided, all ~~all~~ fees, licenses, and other charges collected by the Bureau of Records Administration of the Division of General Services of the Department of Professional and Occupational Regulation, shall be deposited in the State Treasury into a separate trust fund to the credit of the individual board.

Section 16. Notwithstanding the provisions of the Regulatory Reform Act of 1976, chapter 310, Florida Statutes, shall not stand repealed on July 1, 1978, as scheduled by such act, but chapter 310, Florida Statutes, as amended, is hereby revived and readopted.

Section 17. This act shall take effect June 30, 1978, but if it becomes a law subsequent to such date, it shall operate retroactively thereto.

Amendment 2—On pages 1 and 2, strike the entire title and insert: A bill to be entitled An act relating to regulation of piloting; amending s. 310.002, Florida Statutes; redefining the terms "pilot", "license" and "certificate" and defining the term "department"; amending s. 310.111, Florida Statutes; increasing the number of members on the State Board of Pilot Commissioners; amending s. 310.021, Florida Statutes; prescribing qualification for membership on the board and providing for appointment of licensed state pilots from specified ports to the board; creating s. 310.022, Florida Statutes; creating the Professional and Occupational Regulation Trust Fund for the deposit of fees; providing for the appropriation of trust fund money to fund the administration of the law; providing for the appropriation of excess money into the General Revenue Fund; providing for budget preparation and submission; creating s. 310.023, Florida Statutes; establishing a procedure for the handling of complaints and the discipline of license holders; creating s. 310.024, Florida Statutes; establishing rulemaking powers within the board and authorizing the secretary of the Department of Professional and Occupational Regulation to act as a substantially affected person for the purpose of seeking an administrative determination of a rule or proposed rule; amending s. 310.051, Florida Statutes; authorizing the department to hire employees and provide certain legal services; providing for the hiring of a person knowledgeable and experienced in matters related to piloting and authorizing such person to act for the department in examinations, investigations and the hiring of certain legal counsel; amending s. 310.061, Florida Statutes; providing for licensing of state pilots for designated ports; providing criteria for determining the necessary number of licensed pilots; removing certain savings provisions; amending s. 310.071, Florida Statutes; removing the requirement for good moral character for pilots; revising the procedure for application for a pilot license and for a deputy pilot certificate; amending s. 310.081, Florida Statutes; revising the procedure for examinations of applicants; removing provisions setting hiring preferences; amending s. 310.091, Florida Statutes; transferring certain powers from the board to the department; providing that the department may require proof of mental and physical capability from an applicant, a licensed pilot, or a certificated deputy pilot; amending s. 310.101, Florida Statutes; providing that the board may suspend or revoke a pilot license or deputy pilot certificate for negligence, incompetence, or misconduct; requiring the board to forward certain information to licensed pilots; amending s. 310.111, Florida Statutes; revising the procedure for board investigation of casualties; amending s. 310.121, Florida Statutes; providing for biennial licensing fees; providing that license fees be set by the board

and collected by the department; amending s. 310.131, Florida Statutes; revising collection and disposition procedures for assessments of gross pilotage; amending s. 310.151(1), Florida Statutes; providing a method to fix rates of pilotage; providing notice and hearing requirements; amending ss. 215.37(1) and 215.37(2), Florida Statutes; removing provisions for a separate trust fund for the State Board of Pilot Commissioners; reviving and readopting chapter 310, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976; providing for retroactivity; providing effective dates.

On motions by Senator Henderson, the Senate concurred in the House amendments.

SB 310 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gordon	Peterson	Thomas, Pat
Castor	Gorman	Poston	Tobiassen
Chamberlin	Graham	Renick	Trask
Childers, W. D.	Hair	Saylor	Vogt
Dunn	Henderson	Scarborough	Ware
Firestone	Holloway	Scott	Winn
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Thomas, Jon	

Nays—5

Childers, Don	Plante	Spicola	Wilson
Johnston			

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator W. D. Childers and others—

SB 564—A bill to be entitled An act relating to cosmetology; amending s. 477.08(1), Florida Statutes; requiring any school of cosmetology to require, as a prerequisite to graduation from such school, either a high school diploma or graduation from a school for the deaf and blind; amending s. 477.18(1), Florida Statutes; providing for the appointment of two lay members to the State Board of Cosmetology; providing a term of office for such members; exempting such members from certain qualifications for membership; reviving and readopting ss. 477.01-477.18, 477.20-477.28, Florida Statutes, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; providing for retroactive operation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Sections 477.011, 477.012, 477.013, 477.014, 477.015, 477.016, 477.017, 477.018, 477.019, 477.021, 477.022, 477.023, 477.024, 477.025, 477.026, 477.027, 477.028, 477.029, and 477.031, Florida Statutes, are created to read:

477.011 Short title.—This act shall be known and may be cited as the "Florida Cosmetology Act."

477.012 Purpose.—The Legislature recognizes that the practice of cosmetology involves the use of tools and chemicals which may be dangerous when applied improperly and, therefore, deems it necessary in the interest of public health to regulate the practice of cosmetology in this state. However, restrictions shall be imposed only to the extent necessary to protect the public from significant and discernible danger to health and not in a manner which will unreasonably affect the competitive market. Further consumer protection for both health and economic matters shall be afforded the public through legal remedies provided for in this act.

477.013 Definitions.—As used in this act:

(1) "Board" means the State Board of Cosmetology.

(2) "Department" means the Department of Professional and Occupational Regulation.

(3) "Commission" means the Florida Cosmetology Practice Commission.

(4) "Cosmetologist" means a person who is licensed to engage in the practice of cosmetology in Florida under the authority of this chapter.

(5) "Cosmetology instructor" means a person who is licensed to teach cosmetology in Florida under the authority of this chapter.

(6) "Cosmetology" means the mechanical or chemical treatment of the head, face and scalp for aesthetic rather than medical purposes, including but not limited to hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, hair relaxing or hair removing, for compensation.

477.014 Qualifications for practice and teaching.—On and after January 1, 1979, no person other than a duly licensed cosmetologist shall practice cosmetology or use the name or title of cosmetologist; likewise, on and after January 1, 1979, no person other than a duly licensed cosmetology instructor shall teach cosmetology in any school regulated under this chapter. However, nothing herein shall prevent the Department of Education from certifying its own cosmetology instructors to teach cosmetology in the public school system, or prevent employment of instructors in other government-operated programs of cosmetology in Florida.

477.015 State Board of Cosmetology.—

(1) There is hereby created within the Department of Professional and Occupational Regulation the State Board of Cosmetology consisting of seven members, who shall be appointed by the Governor and subject to confirmation by the Senate, and whose function it shall be to carry out certain responsibilities assigned in this chapter.

(2) Five members of the board shall be licensed cosmetologists and shall have been engaged in the practice of cosmetology in Florida for not less than 5 years. Two members of the board shall be lay persons. Each board member shall be a resident of this state and shall have been a resident of this state for not less than 5 continuous years.

(3) The terms of the board members first appointed shall expire as follows: two members on January 1, 1980; two members on January 1, 1981; and three members on January 1, 1982. All appointments thereafter shall be for 3-year terms. The Governor may at any time fill vacancies on the board for the remainder of unexpired terms. Each member of the board shall hold over after the expiration of his term until a successor is duly appointed and qualified. No board member shall serve more than two consecutive terms, whether full or partial.

(4) Before assuming his duties as a board member, each appointee shall take the constitutional oath of office and shall file it with the Department of State, which shall then issue to such member a certificate of his appointment.

(5) The board shall, as soon as organized, and annually thereafter in the month of January, elect from its number a chairman, a vice-chairman, and a secretary.

(6) The board shall hold such meetings during the year as it may determine to be necessary, one of which shall be the annual meeting. The chairman of the board shall have the authority to call other meetings at his discretion. A quorum of the board shall consist of not less than four members.

(7) Each member of the board shall receive \$50 for each day spent in the performance of official board business, with the total annual compensation per member not to exceed \$2,000. Additionally, board members shall receive per diem and mileage as provided in s. 112.061, from place of residence to place of meeting and return.

(8) Each board member shall be held accountable to the Governor for the proper performance of all his duties and obligations. The Governor shall investigate any complaints or unfavorable reports received concerning the actions of the board, or its members, and shall take appropriate action thereon, which action may include removal of any board members.

The Governor may remove from office any board member for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

477.016 Rulemaking.—

(1) There is hereby created the Florida Cosmetology Practice Commission, consisting of the secretary of the department or a representative from time to time designated in writing by the secretary, and the seven members of the board.

(2) The commission is authorized to adopt rules in accordance with chapter 120 to carry out the provisions of this chapter.

(3) The commission shall hold such meetings during the year as it may determine to be necessary. The officers of the board shall serve in the same capacities upon the commission. A quorum of the commission shall consist of not less than five members, of which one must be the secretary of the department or a representative designated in writing by the secretary. Commission meetings shall be considered official board business, for purposes of compensation for board members as established herein. Commission members also shall receive per diem and mileage as provided in s. 112.061, from place of residence to place of meeting and return.

(4) Any proposed rule or any proposed amendment to or abolition of an existing rule must, prior to any rulemaking process held pursuant to s. 120.54, be approved by a majority of commission members present and the secretary of the department or a representative designated in writing by the secretary.

477.017 Legal services.—The department shall provide all legal services needed to carry out the provisions of this act.

477.018 Investigative services.—The department shall provide all investigative services required by the board, the department, or the commission in carrying out the provisions of this act.

477.019 Cosmetologists; qualifications; licensure; license renewal; inactive licenses; reciprocity.—

(1) Any person is qualified for licensure as a cosmetologist under this chapter who:

(a) Is at least 16 years of age or has received a high school diploma.

(b) Has received a minimum of 1,200 hours of training at a school of cosmetology approved by the department, in a cosmetology program within the public school system, from the Cosmetology Division of the Florida School for the Deaf and Blind, provided said division meets the standards of this chapter, or from any other government-operated cosmetology program in Florida, or has met standards established by the commission for a service-based competency equivalent to 1,200 such hours of training. However, the standards for service-based competency established by the commission shall include procedures for certification by the school of any such person to qualify to take the examination hereinafter provided once only after the completion of a minimum of 600 actual school hours. If such person then passes the examination, he shall have satisfied this requirement, but if such person fails the examination, he shall not be qualified to take the examination again until the completion of the full requirements herein provided.

(c) Has received a passing grade on an examination administered by the department.

(2) Every person desiring to be examined for licensure as a cosmetologist shall apply to the department in writing upon forms prepared and furnished by the department, after which the applicant may take a department examination.

(3) Upon an applicant passing the examination and paying the initial licensing fee, the department shall issue a license to practice cosmetology.

(4) Renewal of license registration shall be accomplished pursuant to rules adopted by the commission. As part of the license renewal procedure, the department shall require licensees periodically to demonstrate their current competency in cosmetology. These requirements shall be reasonable and shall include,

but not be limited to, completion of continuing education programs approved by the commission and reexamination.

(5) The commission shall also adopt rules establishing provisions for persons to hold inactive licenses and standards for the reactivation of such licenses.

(6) The commission shall adopt rules specifying procedures for the licensing of practitioners desiring to be licensed in Florida who have been licensed and are practicing in states which have licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

477.021 Cosmetology instructors; qualifications; licensure; license renewal; inactive licenses.—

(1) The commission shall adopt rules governing the experience, training, and competency necessary for licensure of cosmetology instructors and establishing an examination for applicants seeking licensure under this chapter as cosmetology instructors.

(2) Any person is qualified for licensure under this chapter as a cosmetology instructor who:

(a) Meets the standards for experience, training, and competency established under subsection (1).

(b) Holds an active or inactive practitioner's license in the state.

(c) Has received a passing grade on the examination established under subsection (1).

(3) Every person seeking licensure as a cosmetology instructor under this chapter shall apply to the department in writing upon forms prepared and furnished by the department and shall pay an application fee, which fee shall accompany the application.

(4) When the applicant meets the requirements of subsections (1), (2), and (3), the department shall issue to the applicant a cosmetology instructor's license.

(5) When an applicant for licensure as a cosmetology instructor under this chapter fails to meet the requirements herein, the department shall deny the application in writing and shall list the specific requirements not met. No applicant denied licensure because of failure to meet the requirements herein shall be precluded from reapplying for licensure.

(6) Renewal of license registration shall be accomplished pursuant to rules adopted by the commission. As part of the license renewal procedure, the commission shall require licensees to periodically demonstrate their current competency in the teaching of cosmetology. Such requirements shall be reasonable and may include, but not be limited to, completion of continuing education programs approved by the commission and reexamination. The commission is further authorized to adopt rules governing delinquent renewal of licenses, and may impose penalty fees for delinquent renewal.

(7) The commission may also adopt rules establishing provisions for cosmetology instructors licensed under this chapter to hold inactive licenses and standards for the reactivation of such licenses.

(8) No cosmetology instructor licensed under this chapter shall be required to continue or renew the cosmetologist's license required in paragraph (b) of subsection (2) in order to practice cosmetology, as long as his license as a cosmetology instructor remains active. However, any person holding an inactive cosmetology instructor's license under this chapter, in order to practice cosmetology, shall be required to hold an active cosmetologist's license.

477.022 Examinations.—

(1) The commission shall specify by rule the general areas of competency to be covered by examinations for the licensing under this chapter of cosmetologists and cosmetology instructors. The rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary to achieve a passing grade. The commission shall insure that examinations adequately measure both an applicant's competency and his knowledge of related statutory requirements. Professional testing services may be utilized to formulate the examinations.

(2) The commission shall insure that examinations comply with state and federal equal employment opportunity guidelines.

(3) The department shall, in accordance with rules established by the commission, examine persons who file applications for licensure under this chapter in all matters pertaining to the practice of cosmetology as defined herein. A written and practical examination shall be given at least once yearly and at such other times as the department shall deem necessary.

(4) The department shall, in accordance with rules established by the commission, examine persons who file application for licensure under this chapter as cosmetology instructors. The examination shall be given at least once yearly and at such other times as the department shall deem necessary.

(5) The commission shall adopt rules providing for reexamination of applicants who have failed the examinations.

(6) All licensing examinations shall be conducted in such manner that the applicant shall be known to the department by number only until his examination is completed and the proper grade determined. An accurate record of each examination shall be made and that record, together with all examination papers, shall be filed with the secretary of the department and shall be kept for reference and inspection for a period of not less than 2 years immediately following the examination.

477.023 Schools of cosmetology; licensure; requisites; operation; inspection.—

(1) No school of cosmetology shall be permitted to operate without a license issued by the department. However, nothing herein shall be construed to prevent certification by the Department of Education of cosmetology training programs within the public school system or to prevent government operation of any other program of cosmetology in Florida.

(2) The commission shall adopt rules governing the licensure and operation of schools, required and optional curricula, instructors, facilities, safety and sanitary requirements, financial responsibility to students and the public, insurance coverage, contractual agreements, the license application and granting process, and school closings.

(3) Any person, firm, or corporation, other than the Department of Education, the public school system, or any other government entity in Florida, desiring to operate a school of cosmetology shall submit to the department an application upon forms provided by the department, such application to be accompanied by:

(a) A surety bond issued by the applicant as a principal and by a surety company as surety in an amount to be set by rule by the commission at no less than \$10,000 or no more than \$25,000 and payable to the state, such bond to continue in full force and effect for the lifetime of the school.

(b) Proof of ownership of or lease agreement for a building to house the school, together with a description of the building's location, size, and facilities, and a floor plan of said building.

(c) A statement of the ownership structure of the proposed school, including names and addresses of stockholders, partnership alignment, and corporate status, if applicable.

(d) A statement of the proposed curriculum and number of instructors, safety and sanitary measures and equipment to be used, and insurance coverage for the proposed school.

(e) A statement covering provisions for financial responsibility and contractual agreements.

(f) A description of the proposed system for handling student records and transcripts.

(g) Any other relevant information requested by the department.

(h) An application fee determined by the department.

(4) Upon receiving the application, the department may cause an investigation to be made of the proposed school of cosmetology.

(5) When an applicant fails to meet all requirements provided herein, the department shall deny the application in writing and shall list the specific requirements not met. No

applicant denied licensure because of failure to meet the requirements herein shall be precluded from reapplying for licensure.

(6) When the department determines that the proposed school of cosmetology may reasonably be expected to meet the requirements set forth herein, the department shall grant the license upon such conditions as it shall deem proper under the circumstances and upon payment of the original licensing fee.

(7) No license for operation of a school of cosmetology may be transferred from the name of the original licensee to another. It may be transferred from one location to another only upon approval by the department, which approval shall not be unreasonably withheld.

(8) Renewal of license registration for schools of cosmetology regulated herein shall be accomplished pursuant to rules adopted by the commission. The commission is further authorized to adopt rules governing delinquent renewal of licenses, and may impose penalty fees for delinquent renewal.

(9) The commission is authorized to adopt rules governing the periodic inspections of schools of cosmetology licensed under this chapter.

(10) Any school of cosmetology licensed under this chapter which closes shall transfer all student records to the department, which shall keep such records on file for a period of no less than 2 years.

477.024 Student enrollment; permits; records.—The commission shall adopt rules governing student enrollment at schools of cosmetology licensed under this chapter, including the establishment of a student enrollment permit fee. Each school licensed under this chapter shall send to the department a monthly statement of each student's total hours of study. Such records shall be kept on file with the department for a period of no less than 5 years.

477.025 Cosmetology salons; requisites; licensure; inspection.—

(1) No cosmetology salon shall be permitted to operate without a license issued by the department.

(2) The commission shall adopt rules governing the licensure and operation of salons and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and the license application and granting process.

(3) Any person, firm, or corporation desiring to operate a cosmetology salon in the state shall submit to the department an application upon forms provided by the department and accompanied by any relevant information requested by the department and by an application fee.

(4) Upon receiving the application, the department may cause an investigation to be made of the proposed cosmetology salon.

(5) When an applicant fails to meet all the requirements provided herein, the department shall deny the application in writing and shall list the specific requirements not met. No applicant denied licensure because of failure to meet the requirements herein shall be precluded from reapplying for licensure.

(6) When the department determines that the proposed cosmetology salon may reasonably be expected to meet the requirements set forth herein, the department shall grant the license upon such conditions as it shall deem proper under the circumstances and upon payment of the original licensing fee.

(7) No license for operation of a cosmetology salon may be transferred from the name of the original licensee to another. It may be transferred from one location to another only upon approval by the department, which approval shall not be unreasonably withheld.

(8) Renewal of license registration for cosmetology salons shall be accomplished pursuant to rules adopted by the commission. The commission is further authorized to adopt rules governing delinquent renewal of licenses, and may impose penalty fees for delinquent renewal.

(9) The commission is authorized to adopt rules governing the periodic inspections of cosmetology salons licensed under this chapter.

477.026 Fees; disposition.—

(1) The commission shall set fees according to the following schedule:

(a) For cosmetologists and cosmetology instructors, fees for examination, reexamination, reciprocity application, original licensing, license renewal and delinquent renewal shall not exceed \$25.

(b) For schools of cosmetology regulated under this chapter, fees for license application, original licensing, license renewal and delinquent renewal shall not exceed \$300.

(c) For students at schools of cosmetology licensed under this chapter, the enrollment permit fee shall not exceed \$15.

(d) For cosmetology salons, fees for license application, original licensing, license renewal and delinquent renewal shall not exceed \$50.

Such fees shall be set at levels adequate to insure the continued funding for the purposes provided herein.

(2) The department is authorized to charge the cost of any original license issuance or permit issuance fee set herein for the issuance of any duplicate license requested by any cosmetologist, cosmetology instructor, school of cosmetology, or cosmetology salon, or of any duplicate student enrollment permit requested by any student, to whom the original license or permit was granted.

(3) All moneys collected by the department from fees authorized by this chapter shall be paid into the Professional and Occupational Regulation Trust Fund, which fund is created in the department. It is the intent of this provision that such fees collected, even to the exhaustion thereof, shall be directly applied by the department for the purposes provided in this act, with particular emphasis being placed upon enforcement of the provisions hereof. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

(4) The department, with the advice of the board, shall prepare and submit a proposed budget in accordance with law.

477.027 Complaints.—

(1) Any complaint that a licensee has violated a provision of this chapter or any rule promulgated hereunder shall be filed with the department. Subsequent to its investigation, the department shall determine whether there exists probable cause to believe the allegations contained in the complaint are true. If the department finds probable cause, it shall petition the board for a hearing and the Department of Legal Affairs shall prosecute the complaint before the board. The hearing, and the board's determination subsequent to the hearing, shall be in accordance with the provisions of chapter 120, Florida Statutes.

(2) A complaint may be filed pursuant to the provisions of subsection (1) by any person.

(3) Any complaint filed pursuant to subsection (1) and all information obtained by the department pursuant to the investigation of the complaint shall be confidential and shall not constitute a public record unless and until the department files a petition for a hearing as provided in said subsection.

477.028 Disciplinary proceedings.—

(1) The board shall have the power to revoke or suspend the license of a cosmetologist or a cosmetology instructor licensed under this chapter, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline a cosmetologist or a cosmetology instructor licensed under this chapter in either of the following cases.

(a) Upon proof, that a license has been obtained by fraud or misrepresentation.

(b) Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency or misconduct in the practice or instruction of cosmetology.

(2) The board shall have the power to revoke or suspend the license of a cosmetology salon or a school of cosmetology licensed under this chapter, to deny subsequent licensure of such salon or school, or to reprimand, censure, or otherwise

discipline the owner of such salon or school in either of the following cases:

(a) Upon proof that a license has been obtained by fraud or misrepresentation.

(b) Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency or misconduct in the operation of the salon or school so licensed.

(3) Disciplinary proceedings shall be conducted pursuant to the provisions of chapter 120.

477.029(1) Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself out as a cosmetologist or cosmetology instructor unless duly licensed as provided in this chapter, provided that nothing herein shall be construed to prevent use of the title cosmetology instructor by persons certified by the Department of Education to teach in the public school system, or to prevent employment of instructors in other government-operated programs of cosmetology in Florida.

(b) Operate any school of cosmetology or cosmetology salon unless it has been duly licensed as provided in this chapter, provided that nothing herein shall be construed to prevent the teaching of cosmetology within the public school system or through any other government-operated program in Florida.

(c) Permit an employed person to practice or teach cosmetology unless duly licensed as provided in this chapter.

(d) Present as his own the license of another.

(e) Give false or forged evidence to the department in obtaining any license provided for in this chapter.

(f) Impersonate any other license holder of like or different name.

(g) Use or attempt to use a license that has been revoked.

(2) Any person violating the provisions of this section shall be liable for a civil penalty, not to exceed \$500, as determined by the board.

477.031 Civil proceedings.—As cumulative of any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this chapter, or the lawful rules or orders of the department.

Section 2. Subsections (1) and (2) of section 215.37, Florida Statutes, are amended to read:

215.37 Examining and licensing boards to be financed from fees collected; moneys deposited in trust funds; 10 percent to general revenue fund; appropriation.—

(1) For the purposes of this section, examining and licensing boards shall include: State Board of Accountancy, Florida State Board of Architecture, Florida Barbers' Sanitary Commission, Florida State Board of Chiropractic Examiners, ~~State Board of Cosmetology~~, Florida State Board of Dentistry, State Board of Dispensing Opticians, Florida State Board of Professional Engineers and Land Surveyors, State Board of Registration for Foresters, State Board of Funeral Directors and Embalmers, Florida State Board of Examiners of Landscape Architecture, Florida Board of Massage, State Board of Medical Examiners, State Board of Naturopathic Examiners, Florida State Board of Nursing, Florida State Board of Optometry, State Board of Osteopathic Medical Examiners, Florida Board of Pharmacy, Board of Podiatry Examiners, Florida State Board of Examiners of Psychology, Florida Real Estate Commission, Sanitarians' Registration Board, Florida State Board of Veterinary Medicine, Florida Watchmakers' Commission, Florida Construction Industry Licensing Board, and State Board of Pilot Commissioners.

(2) *Except as otherwise provided, all* fees, licenses, and other charges collected by the Bureau of Records Administration of the Division of General Services of the Department of Professional and Occupational Regulation, shall be deposited in the State Treasury into a separate trust fund to the credit of the individual board.

Section 3. Those powers, duties, personnel and functions of the State Board of Cosmetology described in subsections (3), (4), (5), and (6) of s. 477.20, Florida Statutes, are hereby transferred by a type four transfer, as defined in s. 20.06, Florida Statutes, to the Department of Professional and Occupational Regulation, as described in s. 20.30, Florida Statutes.

Section 4. Any person registered pursuant to ss. 477.01-477.29, Florida Statutes, on January 1, 1979, and practicing or teaching cosmetology as defined by s. 477.013(4), Florida Statutes, as created herein, shall be entitled without additional application or fees to practice until June 30, 1980. Likewise, any school of cosmetology or cosmetology salon registered pursuant to ss. 477.01-477.29, Florida Statutes, on January 1, 1979, shall be entitled without additional application or fees to continue in operation until June 30, 1980.

Section 5. The Department of Professional and Occupational Regulation shall have the authority to adopt rules in accordance with chapter 120, Florida Statutes, extending for up to 1 year from the effective date of this act any specialty licenses described in s. 477.06, Florida Statutes, and in effect on January 1, 1979. The department is further authorized to adopt rules in accordance with chapter 120, Florida Statutes, to provide for phasing out or upgrading of such specialty licenses.

Section 6. Notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, chapter 477, Florida Statutes, shall not stand repealed on July 1, 1978, but is revived and readopted until January 1, 1979, at which time it is repealed.

Section 7. This act shall take effect January 1, 1979, except that section 5 shall take effect June 30, 1978, but if section 5 becomes law subsequent to June 30, 1978, it shall operate retroactively thereto.

Amendment 7—On pages 1 and 2, strike the entire title and insert: A bill to be entitled An act relating to cosmetology; creating ss. 477.011-477.031, Florida Statutes; providing a short title; setting forth legislative intent; providing definitions; prohibiting unlicensed practice or instruction of cosmetology; creating a State Board of Cosmetology within the Department of Professional and Occupational Regulation; providing terms and duties; establishing rulemaking powers; creating a Cosmetology Practice Commission for rulemaking; providing membership and duties; providing legal services; requiring the Department of Professional and Occupational Regulation to provide necessary investigative services; providing for licensing of cosmetologists; providing for license renewal; providing for license reciprocity; providing for licensing of cosmetology instructors; providing for license renewal; requiring examination of applicants for licensure as cosmetologists and cosmetology instructors; providing for adoption of examination standards; establishing licensing of schools of cosmetology; providing for license renewal; providing for inspections; requiring adoption of rules governing student enrollment in schools of cosmetology; requiring that certain student records be maintained by the department; establishing licensing of cosmetology salons; providing for license renewal; providing for inspections; setting a schedule of fees for licenses and permits; creating the Professional and Occupational Regulation Trust Fund for the depository of fees and the appropriation of operating funds; allowing for legislative appropriation of excess funds; providing a procedure for the receipt of complaints and determinations thereon prior to a hearing; providing for disciplinary proceedings; providing a civil penalty; providing for civil proceedings; amending ss. 215.37(1) and 215.37(2), Florida Statutes; removing provisions for a separate trust fund for the State Board of Cosmetology; transferring powers, duties, personnel and functions of the State Board of Cosmetology to the department; providing for transition licensing; providing for limited renewal of specialty licenses; providing for upgrading or abolition of specialty licenses; providing for the revival and readoption of chapter 477, Florida Statutes; providing effective dates.

On motions by Senator Henderson, the Senate concurred in the House amendments.

SB 564 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Graham	Renick	Trask
Castor	Hair	Saylor	Vogt
Childers, Don	Henderson	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	McClain	Skinner	Wilson
Firestone	Myers	Spicola	Winn
Gallen	Peterson	Thomas, Jon	Zinkil
Glisson	Plante	Thomas, Pat	
Gorman	Poston	Tobiassen	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By the Committee on Governmental Operations and Senator Zinkil and others—

SB 1233—A bill to be entitled An act relating to regulation of barbering; providing a short title; providing a purpose; providing definitions; providing for exemptions; creating the Florida Barbers' Board; providing for the appointment and terms of the board members; providing for per diem and mileage allowances for board members; providing for removal of board members; providing for personnel, legal and investigative services; providing for board meetings; providing for receipt and use of fees; providing for the adoption of fees; providing for the adoption and enforcement of rules; providing procedures for the application by and the examination of applicants for licensure; providing for issuance of a license to a successful applicant; providing for biennial renewal of licenses; providing requirements for the registration of barber assistants and licensure of barbers; providing qualifications for barbers and apprentices from other states; providing for barbershop registration; specifying that certain acts are unlawful; providing a civil penalty; providing grounds for suspending, revoking, or refusing to grant a license or certificate of registration; providing for records of the board; providing for the establishment of complaint procedures; providing for civil proceedings; providing a saving clause; providing for repeal of the act; providing for legislative review; providing severability; providing for retroactivity; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, strike everything after the enacting clause and insert: Section 1. Short title.—This act may be cited as the "Florida Barbers' Act."

Section 2. Purpose.—The Legislature recognizes that barbering is potentially dangerous to the public in that barbers work in close proximity to patrons, thus risking transmission of disease and vermin, apply various caustic chemical agents to the hair and scalp of patrons, and employ instruments which could harm patrons if improperly used. Therefore, it is deemed necessary in the interest of public health, safety, and welfare to regulate the practice of barbering in this state. However, restrictions should be imposed only to the extent necessary to protect the public from these recognized dangers and in a manner which will not unreasonably affect the competitive market.

Section 3. Definitions.—As used in this act:

(1) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(2) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(3) "Board" means the Florida Barbers' Board.

(4) "Department" means the Department of Professional and Occupational Regulation.

(5) "Division" means the Division of Occupations of the Department of Professional and Occupational Regulation.

(6) "Commission" means the Florida Barbering Practice Commission.

Section 4. Exemptions.—This act does not apply to:

(1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathy, chiropractic, naturopathy, or podiatry;

(2) Commissioned medical or surgical officers of the United States Armed Forces hospital service;

(3) Registered nurses under the laws of this state;

(4) Persons practicing cosmetology under the laws of this state; or

(5) Persons employed in federal, state, or local institutions, hospitals, or military bases as barbers, whose practice is limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases.

Section 5. Florida Barbers' Board.—

(1) There is created within the Division of Occupations of the Department of Professional and Occupational Regulation the Florida Barbers' Board, consisting of 7 members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) Five members of the board shall be practicing barbers who have practiced the occupation of barbering in this state for at least 5 years. The remaining two members of the board shall be citizens of the state who are not presently licensed barbers. No person shall be appointed to the board who is in any way connected with the manufacture, rental, or wholesale distribution of barber equipment and supplies. No person who is financially or otherwise connected in any capacity with a school of barbering shall be eligible to serve.

(3) Within 30 days after the effective date of this act, the Governor shall appoint 7 eligible and qualified persons to be members of the board as follows:

(a) Two members for a term of 1 year each.

(b) Two members for a term of 2 years each.

(c) Three members for a term of 4 years each.

(4) Annually thereafter, as the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(5) No person shall be appointed to serve more than 2 consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(6) Each board member shall receive per diem and mileage allowances as provided in s. 112.061, Florida Statutes, from the place of his residence to the place of meetings and the return therefrom.

(7) Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members, and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform his official duties.

Section 6. Organization; headquarters; investigations; quorum.—

(1) The board shall annually elect a chairman, a vice-chairman, and a secretary from its number. The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as may be necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this act.

Such personnel need not be licensed barbers and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

(3) The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chairman of the board may call other meetings at his discretion. Five members shall constitute a quorum.

(4) The department shall provide all investigative services required by the board, the department, or the commission in carrying out the provisions of this act.

Section 7. Legal services.—The department shall provide all legal services needed to carry out the provisions of this act.

Section 8. Receipts; disposition.—

(1) The commission, pursuant to chapter 120, Florida Statutes, shall establish the fees to be charged of applicants for examination, and the fees to be charged for the issuance, renewal, restoration, and duplication of licenses and certificates of registration issued pursuant to this act. Such fees shall not be more than \$50 per year and shall be adequate to insure the continued funding for the purposes provided herein.

(2) All moneys collected by the department from fees authorized by this chapter shall be paid into the Professional and Occupational Regulation Trust Fund, which said fund is created in the department. It is the intent of this provision that such fees collected, even to the exhaustion thereof, shall be directly applied by the department for the purposes provided in this act, with particular emphasis being placed upon enforcement of the provisions hereof. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

Section 9. Rules; health and safety standards.—

(1) There is hereby created the Florida Barbering Practice Commission, consisting of the secretary of the department or a representative from time to time designated in writing by the secretary, and the seven members of the board.

(2) The commission is authorized to adopt rules in accordance with Chapter 120, Florida Statutes, to carry out the provisions of this chapter.

(3) The commission shall hold such meetings during the year as it may determine to be necessary. The officers of the board shall serve in the same capacities upon the commission. A quorum of the commission shall consist of not less than five members, of which one must be the secretary of the department or a representative designated in writing by the secretary.

Commission members shall receive per diem and mileage as provided in s. 112.061, Florida Statutes, from place of residence to place of meeting and return.

(4) Any proposed rule or any proposed amendment to or abolition of an existing rule must, prior to any rule-making process held pursuant to s. 120.54, Florida Statutes, be approved by a majority of commission members present and the secretary of the department or a representative designated in writing by the secretary. Additionally, any proposed rule which establishes sanitary, sterilization, or chemical standards, or which proposes an amendment to or abolition of an existing rule setting such standards, must receive approval from the Department of Health and Rehabilitative Services prior to any rule-making process held pursuant to s. 120.54, Florida Statutes; with respect to any such proposed rule or proposed amendment to or abolition of an existing such rule, the commission shall submit to the Administrative Procedure Committee a statement from the Department of Health and Rehabilitative Services verifying that approval of the department has been obtained.

Section 10. Inspections.—All inspections of barbershops, to insure compliance with the provisions of this act and rules adopted pursuant to this act, which provisions and rules relate to health and safety matters, shall be performed by the Department of Health and Rehabilitative Services. Any agent of a county health department or the Department of Health and Rehabilitative Services who is designated to perform such inspections may enter and inspect any barbershop at any time during its business days and hours. Any violation of the provisions of this act or rules adopted pursuant to this act shall be promptly reported to the department.

Section 11. Application for examination.—Each applicant for an examination shall:

(1) Make application to the department at least 30 days prior to the examination date on forms prepared and furnished by the department.

(2) Furnish to the department two signed photographs of the applicant, of sufficient size to identify the applicant, one photograph to accompany the application and one photograph to be returned to the applicant for presentation to the examiners when the applicant appears for examination.

(3) Pay the required fee to the department.

Section 12. Time, place, and subjects of examination.—

(1) The department shall conduct examinations of applicants for licenses as barbers not less than 4 times each year at such time and place as the department may determine. The examination of applicants for licenses as barbers shall include both a practical demonstration and a written test.

(2) The commission shall adopt rules specifying the areas of competency to be covered by the examination. Such rules shall include the relative weight assigned in grading each area. All areas tested shall be reasonably related to protection of the public and the applicant's competency to practice barbering in a manner which will not endanger the public. The department may employ professional testing services to formulate or to assist in administering the examinations.

(3) The department shall be in charge of administering the examination and shall control the personnel assisting in giving the examinations. The written examination shall be identifiable by number only until completion of the grading process. The practical demonstration shall be graded by members of the board. Each applicant shall be informed of his grade on the examination by the department as soon as is practicable.

(4) An accurate record of each examination shall be made and that record, together with all examination papers, shall be filed with the department and shall be kept for reference and inspection following the examination. The department shall make a record of the grade of each applicant on each subject covered by that examination and that grade shall be part of the examination papers to be preserved.

Section 13. License to be issued to successful examinees.—A barber's license shall be issued by the department to any applicant who passes the required examination, achieving a grade of not less than 75 percent on both the practical and the written parts thereof, and who possesses the other qualifications required by law. The department shall keep a record relating to the issuance, refusal, and renewal of licenses. Such record shall contain the name, place of business, and residence of each licensed barber and the date and number of his license.

Section 14. Biennial renewal of licenses.—

(1) Each licensed barber who continues in active practice or service shall, during the period July 1 through July 31 of each even-numbered year, renew his license and pay the required fee. Each license which has not been renewed during the month of July in any even-numbered year shall expire on August 1 of that year. Any practitioner licensed under this act who retires from the practice of barbering may renew his license upon payment of the required restoration fee.

(2) Any license or certificate of registration issued pursuant to this act for a period of less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The commission shall adopt rules providing for such partial period fee adjustments.

Section 15. Barbers' assistants.—

(1) Any person is qualified to register as a barbers' assistant who is at least 16 years of age and pays the required registration fee.

(2) The department shall issue on a biennial basis to each eligible applicant a registration card as a barbers' assistant. The registration card shall state the name of the person registered, the period of such registration, and the name and address of the barbershop in which such person is initially registered to work as a barbers' assistant.

(3) Whenever any registered barbers' assistant leaves the employ of, or ceases to work within, the barbershop named on his registration card, the registration shall automatically be revoked at the expiration of 30 days from the date of his departure unless the registrant applies for and pays the fee for transfer of the registration to the new barbershop in which the registrant is to work. Any such application for transfer shall automatically be granted by the department for the unexpired term of the registration, and a new registration card shall thereupon be issued as soon as practicable.

(4) Barbers' assistants shall not practice barbering except to shampoo hair and apply hair tonics or conditioner under the supervision of a licensed barber.

(5) Violation of subsection (4) shall constitute grounds for revocation of the barbers' assistant's certificate.

(6) The department shall keep a record relating to the issuance, transfer and revocation of registration cards. Such record shall contain the name, place of business, and residence of each barbers' assistant and the date and number of his registration card.

Section 16. Qualifications of applicants for licenses as barbers.—

(1) Any person is qualified to receive a license to practice barbering who:

(a) Is at least 17 years of age;

(b) Has graduated from a state licensed barber school; and

(c) Has passed an examination conducted by the department to determine his fitness to practice barbering.

(2) An applicant for a license to practice as a barber who fails to pass the whole examination or a part of the examination shall be entitled to take the whole examination or that part of the examination again at its next administration upon filing the appropriate form and paying the required fee.

Section 17. Qualifications of barbers and apprentices from other states.—

(1) Any person who is at least 17 years of age and who has held a valid license or certificate of registration as a practicing barber in another state or country for at least 1 year shall upon payment of the required fee be eligible to take an examination to determine his fitness to practice as a barber.

(2) Any person who is at least 17 years of age and who has held, for at least 1 year, a valid license or certificate of registration as an apprentice barber in another state or country which has preliminary requirements for licensure substantially the same as those required by section 14, shall, upon payment of the required fee, be eligible to take an examination to determine his fitness to practice as a barber.

(3) Notwithstanding subsection (1) or subsection (2), a person holding a license or certificate in another state may be refused an opportunity to be so examined if such other state does not extend to the holder of a Florida license a similar or comparable opportunity. The commission shall adopt rules governing such applicants' eligibility for examination.

Section 18. Barbershop registration; requirements; fee.—

(1) Each person, whether as owner, manager, or agent, who opens a barbershop in this state shall, prior to opening such barbershop, file with the department the name and address of the owner of the barbershop and the city or town and the street address at which it is located, together with the appropriate fee, on forms provided by the department. Upon receipt of the completed form and the fee, the department shall issue a certificate of registration for a period of 2 years or the remaining portion of the biennial license period. Said registration shall be renewed during the period July 1 through July 31 of each even-numbered year upon payment of the renewal fee. In the event of a change of location or ownership of any registered barbershop, and upon notice thereof and filing of the appropriate fee with the department, the department shall issue a transfer of the certificate of registration of such barbershop to its new location or new owner.

(2) The commission, pursuant to chapter 120, Florida Statutes, shall adopt rules establishing procedures and fees, not to

exceed \$25 per issuance, relating to the registration of barber-shops and renewal of barbershop certificates. The commission, pursuant to chapter 120, Florida Statutes, shall adopt rules establishing procedures relating to the suspension or revocation of barbershop certificates.

Section 19. Prohibited acts.—It is unlawful for any person to:

- (1) Engage in the practice of barbering without a license as a barber or barbers' assistant issued pursuant to the provisions of this act by the department.
- (2) Engage in willful or repeated violations of this act or of any of the rules adopted by the commission.
- (3) Hire or employ any person to engage in the practice of barbering unless such person holds a valid license as a barber, or registered barbers' assistant.
- (4) Obtain or attempt to obtain a license for money other than the required fee, or any other thing of value or by fraudulent misrepresentations.

Section 20. Penalty.—Any person who violates any of the provisions of section 17 shall be liable for a civil penalty, not to exceed \$500, as determined by the board.

Section 21. Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this act, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this act for any of the following causes:

- (a) Gross malpractice or gross incompetency in the practice of barbering;
- (b) Practice by a person knowingly having an infectious or contagious disease; or
- (c) Commission of any of the offenses described in section 19.

(2) The commission shall adopt rules relating to the suspension or revocation of licenses or certificates of registration under this section pursuant to the provisions of chapter 120, Florida Statutes.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this act.

Section 22. Complaints.—

(1) Any complaint that a licensee has violated a provision of this chapter or any rule promulgated hereunder shall be filed with the department. Subsequent to its investigation, the department shall determine whether there exists probable cause to believe the allegations contained in the complaint are true. If the department finds probable cause, it shall petition the board for a hearing and the Department of Legal Affairs shall prosecute the complaint before the board. The hearing, and the board's determination subsequent to the hearing, shall be in accordance with the provisions of chapter 120, Florida Statutes.

(2) A complaint may be filed pursuant to the provisions of subsection (1) by any person.

(3) Any complaint filed pursuant to subsection (1) and all information obtained by the department pursuant to the investigation of the complaint shall be confidential and shall not constitute a public record unless and until the department files a petition for a hearing as provided in said subsection.

Section 23. Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this act or the lawful rules or orders of the board, commission or department.

Section 24. Administrative proceedings.—All hearings and other administrative proceedings shall be conducted pursuant to the provisions of chapter 120, Florida Statutes.

Section 25. Notwithstanding any other provision of this act, each licensed barber or registered barber assistant who was duly licensed or registered as such by this state on the effective date of this act shall be entitled to continue to hold such license without reexamination, and such license shall be renewed and held henceforth in accordance with the provisions of this act. Any person who, on the effective date of this act, was duly licensed by this state as a barber apprentice is deemed to be in substantial compliance with the requirements of section 14 of this act, and shall be issued a license as a barber upon application for renewal of such barber apprentice license.

Section 26. Subsections (1) and (2) of section 215.37, Florida Statutes, are amended to read:

215.37 Examining and licensing boards to be financed from fees collected; moneys deposited in trust funds; 10 percent to general revenue fund; appropriation.—

(1) For the purposes of this section, examining and licensing boards shall include: State Board of Accountancy, Florida State Board of Architecture, ~~Florida Barbers' Sanitary Commission~~, Florida State Board of Chiropractic Examiners, State Board of Cosmetology, Florida State Board of Dentistry, State Board of Dispensing Opticians, Florida State Board of Professional Engineers and Land Surveyors, State Board of Registration for Foresters, State Board of Funeral Directors and Embalmers, Florida State Board of Examiners of Landscape Architecture, Florida Board of Massage, State Board of Medical Examiners, State Board of Naturopathic Examiners, Florida State Board of Nursing, Florida State Board of Optometry, State Board of Osteopathic Medical Examiners, Florida Board of Pharmacy, Board of Podiatry Examiners, Florida State Board of Examiners of Psychology, Florida Real Estate Commission, Sanitarians' Registration Board, Florida State Board of Veterinary Medicine, Florida Watchmakers' Commission, Florida Construction Industry Licensing Board, and State Board of Pilot Commissioners.

(2) *Except as otherwise provided, all* ~~All~~ fees, licenses, and other charges collected by the Bureau of Records Administration of the Division of General Services of the Department of Professional and Occupational Regulation, shall be deposited in the State Treasury into a separate trust fund to the credit of the individual board.

Section 27. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 28. This act is repealed effective July 1, 1983. This act shall be reviewed by the Legislature pursuant to the Regulatory Reform Act.

Section 29. This act shall take effect June 30, 1978, but if it becomes a law subsequent to such date, it shall operate retroactively thereto.

Amendment 2—On pages 1 and 2, strike the entire title and insert: A bill to be entitled An act relating to regulation of barbering; providing a short title; providing a purpose; providing definitions; providing for exemptions; creating the Florida Barbers' Board; providing for the appointment and terms of the board members; providing for per diem and mileage allowances for board members; providing for removal of board members; providing for personnel and investigative services; providing for legal services; providing for board meetings; creating the Professional and Occupational Regulation Trust Fund; providing for receipt and use of fees; creating the Florida Barbering Practice Commission; providing for the adoption of fees; providing for the adoption and enforcement of rules; providing procedures for the application by and the examination of applicants for licensure; providing for issuance of a license to a successful applicant; providing for biennial renewal of licenses; providing requirements for the registration of barber assistants and licensure of barbers; providing qualifications for barbers and apprentices from other states; providing for barbershop registration; specifying that certain acts are unlawful; providing a civil penalty; providing grounds for suspending or revoking a license, registration card or certificate of registration, or for other discipline; providing for records of the department; providing for the establishment of complaint procedures; providing for civil proceedings; providing a saving clause; providing for repeal of the act; providing for legislative review; amending ss. 215.37(1) and 215.37(2), Florida Statutes, removing provisions for a separate trust fund

for the Florida Barbers' Sanitary Commission; providing severability; providing for retroactivity; providing an effective date.

On motions by Senator Zinkil, the Senate concurred in the House amendments.

SB 1233 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Poston	Tobiassen
Barron	Graham	Renick	Trask
Castor	Henderson	Sayler	Vogt
Chamberlin	Johnston	Scarborough	Ware
Childers, Don	MacKay	Scott	Williamson
Childers, W. D.	McClain	Skinner	Winn
Firestone	Myers	Spicola	Zinkil
Gallen	Peterson	Thomas, Jon	
Glisson	Plante	Thomas, Pat	

Nays—1

Gordon

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments to House Amendments 1 and 2 to SB 860, requests the Senate to recede and in the event the Senate refuses to recede requests a Conference Committee.

Allen Morris, Clerk

By Senator Gallen and others—

SB 860—A bill to be entitled An act relating to administrative procedures; amending s. 120.52(1)(b), Florida Statutes; providing an exception from the definition of agency for entities created under the provisions of chapter 361, Part II, Florida Statutes; amending s. 120.54(2)(a), (7), (11)(b), Florida Statutes; deleting certain requirements from the economic impact statement of a rule; requiring that the citation for law implemented be to the Florida Statutes or the Laws of Florida; providing the time for filing certain rules; amending s. 120.565, Florida Statutes; providing that a declaratory statement set out the agency's opinion as to applicability of a statute, rule, or order to the petitioner only; amending s. 120.68(3), Florida Statutes, providing that a petition to an agency for a stay is not a prerequisite to a petition for a supersedeas; amending s. 120.71, Florida Statutes; providing an exemption from s. 112-3143, Florida Statutes, to permit an agency head or member thereof to be disqualified from serving in an agency proceeding; providing an effective date.

(Amendments attached to original bill.)

On motion by Senator Ware, the Senate refused to recede from Senate amendments to House amendments and insisted that the House concur. The action of the Senate was certified to the House.

Senator Trask presiding

SPECIAL ORDER

SB 1137—A bill to be entitled An act relating to the Commission on the Spanish-speaking Populace of Florida; amending ss. 13.9964 and 13.9965(1), Florida Statutes; renaming the commission; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Spicola and adopted:

Amendment 1—On page 2, lines 4 and 5, insert a new Section 3 to read: Section 3. Subsection (3) of section 13.9966, Florida Statutes, is amended to read:

13.9966 Operations of the commission.—

(3) Agencies of state government shall furnish such information and data as are requested by the commission and shall cooperate with the commission to the maximum extent feasible.

The commission may procure information and assistance from the state or any subdivision or municipal corporation or public officer or governmental department or agency thereof. All agencies, officers, and political subdivisions of the state or municipal corporations shall give the commission all relevant information and reasonable assistance on any matters of research within their knowledge or control. In the case of a refusal to honor a request for information or request to any person, the commission may make application to any circuit court in this state, which shall have jurisdiction to order the witness to appear before the commission or to produce evidence, if so ordered, or to give testimony concerning the matter in question. Failure to obey the order may be punished by the court as contempt.

(Renumber subsequent section.)

Amendment 2—On page 1 in title, line 5, after "commission;" insert: amending s. 13.9966(3), Florida Statutes, providing that the commission may procure information and assistance from certain governmental agencies; directing certain persons to provide such information or assistance to the commission; providing a procedure for noncompliance;

On motion by Senator Spicola, by two-thirds vote SB 1137 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Castor	Henderson	Poston	Tobiassen
Childers, W. D.	Holloway	Renick	Trask
Firestone	Johnston	Scarborough	Vogt
Gallen	MacKay	Skinner	Ware
Glisson	McClain	Spicola	Williamson
Gorman	Peterson	Thomas, Jon	Winn
Graham	Plante	Thomas, Pat	Zinkil

Nays—4

Childers, Don Gordon Myers Sayler

SB 795—A bill to be entitled An act relating to private employment agencies; amending s. 449.023(1), Florida Statutes; decreasing the in-state experience requirement for persons applying for an agency or agent's license; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Firestone and adopted:

Amendment 1—On page 1, line 23, strike "July 1, 1978" and insert: upon becoming law

Senator Dunn moved the following amendments which were adopted:

Amendment 2—On page 1, line 9, strike everything after the enacting clause and insert: Section 1. Section 449.023(1), Florida Statutes, is amended to read:

449.023 Qualification for agent and agency license.—

(1) All agency and agent licensees shall be competent, honest, truthful, trustworthy, of good character and bear a reputation for fair dealing. Each such person must also have had 3 years' experience as an employment clerk in this state or the equivalent thereof in related fields, which experience must have been continuous and immediately preceding the date of such application or in lieu of the required experience

must have been a previously licensed owner or operator of an employment agency in this state.

Section 2. Section 449.05, Florida Statutes, is amended to read:

449.05 Registration fees, when permitted; investigation; revocation of permit; referral.—

(1) No such licensed agency shall charge a fee for registration, fee without having first obtained a permit to charge such registration fee from the department. Any such licensed person desiring to charge such registration fee shall make application in writing to the department, and shall set out in the application the type of applicants from whom it is intended to accept a registration fee, the amount of the fee to be charged, and shall furnish any other information on the subject that the department may deem necessary to enable it to determine whether permit shall be granted.

(2) The department may make investigation, upon receipt of the application, as to the truthfulness of said application and the necessity of the charge of a registration fee, and if it is shown that the applicant's method of doing business is of such a nature that a permit to charge a registration fee is necessary, and that the record of the applicant's past method of charging a registration fee has been reasonable and fair, then the department may grant a permit to such applicant, which permit shall remain in force until revoked for cause. No permit shall be granted until after 10 days from the date of filing of the application.

(3) When a permit is granted such licensed agency may charge a registration fee not to exceed \$2. In all cases a complete record of all such registration fees and references of applicants shall be kept on file. For such registration fee a receipt shall be given to said applicant for help or employment, and shall state therein the name of such applicant, date and amount of payment, the character of position or help applied for, and the name and address of such agency. If no position has been furnished by said licensed agency to the said applicant, then said registration fee shall be returned to the said applicant on demand after 30 days and within 6 months from date of the receipt thereof, less the amount that has been actually expended by said licensed agency in checking the references of said applicant, and an itemized amount of such expenditures shall be presented to said applicant on request at the time of returning the unused portion of such registration fee.

(4) Any such permit granted by the department may be revoked by it, in the same manner as prescribed herein for the revocation of licenses.

(5) (2) No such licensed agency shall, as a condition to registering or obtaining employment for any applicant, require such applicant to subscribe to any publication, post card service, advertisement, or resume service. Each licensed agency shall be permitted to accept an advance fee in the form of a deposit. All such advance deposit fees taken, which shall be deposited in the an escrow account established solely for advance deposit fees. The identification number and location of any such escrow account shall be registered with the Secretary of State and shall be guaranteed by a cash deposit or surety bond meeting the standards of Section 449.03, Florida Statutes, in an amount equal to the annual average balance of the escrow account or \$5,000, whichever is greater. No funds are to be withdrawn from the escrow account by the agency before the date of the applicant's acceptance of employment. Whenever an applicant fails to secure or refuses to accept a position furnished by the agency, no fee shall have been earned, and any advance fee on deposit with the escrow agent shall be refunded in full to the applicant within three business days after request. If an applicant accepts a position through the efforts of the licensed agency and fails to report for work at the prescribed time, or quits, then said applicant shall owe the licensed agency the full placement fee for the said job and shall forfeit the total amount deposited with the licensed agency. In the event the applicant has an advance fee on deposit with the licensed agency of an amount exceeding the total fee of said position, then such overpayment of fee shall be refunded to the applicant within 3 days after request.

(6) (3) Each applicant sent to an employer for an interview shall be furnished with a referral card containing the following information: The name and address of the employer

doing the interviewing, the position for which the applicant is being interviewed, the salary offered, who is paying the cost of transportation for the interview, and a space must be provided whereby the interviewer can sign his or her name, after noting thereon whether the applicant has been engaged.

(7) (4) In addition to the receipt herein provided to be given for a registration fee, it shall be the duty of such licensed agency to give to every applicant for employment or help from whom other fee or fees shall be received, an additional receipt in which shall be stated the name of the applicant, the amount of the fee, date of payment. All such receipts shall be in duplicate, numbered consecutively, shall contain the name and address of such agency. The duplicate receipt shall be kept on file in the agency for at least 1 year from the date thereof.

(8) (5) If the employer pays the fee, and the employee fails to remain in the position for the period of 14 days, such licensee shall refund to the employer all fees, less an amount equal to 25 percent of the total fee, within 3 days after said licensed agency has been notified of the employee's failure to remain in the employment.

(9) (6) If the applicant is discharged at any time within 30 14 calendar days for any reason other than intoxication, dishonesty, unexcused tardiness, unexcused absenteeism, insubordination, misrepresentation of abilities, education or skills, or otherwise fails to remain in the position for a period of 30 14 calendar days through no fault of his own, such licensed agency shall refund to the employee all fees paid to said agency, less an amount equal to 25 percent of the total fee. All refunds shall be in cash or negotiable check and shall be made within 3 days of the time such licensed agency has been notified of the employee's failure to remain in the employment.

Section 3. This act shall take effect July 1, 1978.

Amendment 3—On page 1 in title, line 6, after the semicolon “,” insert: amending s. 449.05, Florida Statutes; prohibiting private employment agencies from charging a fee for registration; requires the deposit of certain advance fees in an escrow account and requires registration and guarantee of such an account;

On motion by Senator Firestone, by two-thirds vote SB 795 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Castor	Gordon	Peterson	Tobiassen
Chamberlin	Gorman	Plante	Trask
Childers, Don	Graham	Poston	Vogt
Childers, W. D.	Holloway	Renick	Ware
Dunn	MacKay	Scott	Williamson
Gallen	McClain	Spicola	Wilson
Glisson	Myers	Thomas, Pat	Winn

Nays—6

Firestone	Sayler	Thomas, Jon	Zinkil
Johnston	Scarborough		

On motion by Senator Sayler, consideration of SB 1357 was deferred.

HB 73—A bill to be entitled An act relating to parole; amending s. 947.16(2), Florida Statutes; providing for the retention of jurisdiction by judges in murder, robbery, aggravated assault, aggravated battery, kidnapping, sexual battery, arson, or any felony involving the use of a firearm or other deadly weapon or the use of intentional violence cases under certain circumstances; requiring the Parole and Probation Commission to notify the original sentencing court and the appropriate state attorney whenever an offender over whom the court has retained jurisdiction has become eligible for parole; requiring the court to retain jurisdiction over the offender or refuse such jurisdiction; providing for release of certain information by the commission; providing that when the court decides to retain jurisdiction it may decide whether or not the offender shall be paroled; providing an effective date.

—was read the second time by title.

Senator Chamberlin moved the following amendments which failed:

Amendment 1—On page 2, line 18-21, strike sub-paragraph (a) and renumber subsequent paragraph,

Amendment 2—On page 3, line 28-29, strike Section 2 and insert: Section 2. This act shall take effect Oct. 1, 1978.

On motion by Senator Ware, by two-thirds vote HB 73 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Barron	Hair	Renick	Thomas, Pat
Childers, Don	Henderson	Saylor	Tobiassen
Childers, W. D.	Johnston	Scarborough	Trask
Dunn	MacKay	Scott	Ware
Firestone	McClain	Skinner	Winn
Glisson	Peterson	Spicola	
Gorman	Poston	Thomas, Jon	

Nays—10

Castor	Graham	Vogt	Zinkil
Chamberlin	Holloway	Williamson	
Gordon	Myers	Wilson	

CS for HB 320—A bill to be entitled An act relating to the security of communications; amending s. 934.03(2)(a), Florida Statutes, and adding paragraph (g), permitting officers, employees, and agents of communication common carriers to provide certain assistance to law enforcement officers in interception of wire or oral communications; authorizing certain persons to intercept and record wire communications; amending s. 934.09(4), Florida Statutes, requiring, upon request, that the court order authorizing interception of a wire or oral communication direct certain persons to assist in the interception; providing for compensation for such assistance; amending s. 934.10, Florida Statutes, providing an additional defense to liability; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator McClain and adopted:

Amendment 1—On page 2, line 17, insert after "336.02": , or any other entities with published emergency telephone numbers

Senator Dunn moved the following amendment:

Amendment 2—On page 2, line 23 through page 3, line 26 strike everything and insert: Section 2. Section 934.07, Florida Statutes, is amended to read:

934.07 Authorization for interception of wire or oral communications.—The Governor, the Attorney General, or any State Attorney may authorize an application to a judge of competent jurisdiction for, and such judge may grant in conformity with this chapter, an order authorizing or approving the interception of wire or oral communications by the Department of Criminal Law Enforcement or any law enforcement agency of this state or any political subdivision thereof having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, burglary, theft, ~~receiving dealing in~~ stolen property, prostitution, criminal usury, bribery, extortion, arson, obscenity, illegal possession or use of a destructive device, forgery, counterfeiting, obstruction of justice, tampering with jurors, evidence, or witnesses, any violation of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, book-making, or dealing in narcotic drugs or other dangerous drugs, any violation of the provisions of the Florida Anti-Fencing Act; or any conspiracy to commit any violation of the laws of this state relating to the crimes specifically enumerated above.

Section 3. Subsections (3) and (5) of section 934.08, Florida Statutes, are amended to read:

934.08 Authorization for disclosure and use of intercepted wire or oral communications.—

(3) Any person who has received, by any means authorized by this chapter, any information concerning a wire or

oral communication or evidence derived therefrom intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of any the state or of the United States in any grand jury proceedings, or in any investigation or proceeding in connection with the Judicial Qualifications Commission, if such testimony is otherwise admissible.

(5) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized herein, intercepts wire or oral communications not relating to offenses for which an order or authorization or approval could have been secured pursuant to s. 934.07, other than those specified in the order of authorization or approval and relating to offenses not specified in the order of authorization or approval, the contents thereof and evidence derived therefrom may be disclosed or used as provided in subsections (1) and (2) of this section. Such contents and any evidence derived therefrom may be used under subsection (3) of this section when authorized or approved by a judge of competent jurisdiction when such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this chapter. Such application shall be made as soon as practicable.

Section 4. Subsections (4), (8), and (9) of section 934.09, Florida Statutes, are amended to read:

934.09 Procedure for interception of wire or oral communications.—

(4) Each order authorizing or approving the interception of any wire or oral communication shall specify:

(a) The identity of the person, if known, whose communications are to be intercepted;

(b) The nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

(c) A particular description of the type of communication sought to be intercepted and a statement of the particular offense to which it relates;

(d) The identity of the agency authorized to intercept the communications and of the person authorizing the application; and

(e) The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained. An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct a communication common carrier, landlord, custodian, or other person to furnish the applicant forthwith with all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier, landlord, custodian, or person is according the person whose communications are to be intercepted. Any communication common carrier, landlord, custodian, or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates.

On motion by Senator Gordon, further consideration of CS for HB 320 with pending amendment was deferred.

The President presiding

The President welcomed to the Senate Congressman and Mrs. Claude Pepper who were invited to the rostrum where Congressman Pepper addressed the Senate.

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote House Concurrent Resolutions 1932 and 2001, HB 1924 and HJR 253 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Peterson, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 1119 SB 1337 SB 1120 SB 1194

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Education and Senators Peterson and MacKay—

CS for SB 549—A bill to be entitled 'An act relating to personnel of the school system; amending s. 231.17, Florida Statutes; authorizing the Commissioner of Education to issue a certificate covering the appropriate subject or field to an applicant meeting certain specified requirements; specifying qualifications of applicants for provisional or regular certification; providing that whenever new rules are adopted by the state board in regard to certification, such rules shall not become effective to the exclusion of prior rules for a specified period; amending s. 231.24, Florida Statutes; providing for the extension of certain certificates; amending s. 231.361(1), Florida Statutes; providing that vocational teachers and other teachers who qualify for certificates on the basis of nonacademic preparation are entitled to all the contractual rights and privileges granted to other instruction personnel holding equivalent certificates; amending s. 233.068(3), Florida Statutes; providing for certification and payment of vocational instructors with job-related vocational skills; amending s. 233.0681(1), Florida Statutes; providing for certification and payment of occupational specialists; amending s. 231.28, Florida Statutes; authorizing the Commissioner of Education to suspend a teaching certificate in certain cases; requiring the Professional Practices Council to conduct a hearing in the revocation, suspension, or denial of a teaching certificate; amending s. 231.30, Florida Statutes; deleting the requirement that a specified amount of each certification fee collected be kept in the Professional Practices Advisory Council Trust Fund; amending s. 231.57(1), Florida Statutes; decreasing the membership of the Professional Practices Council; amending s. 231.608, Florida Statutes; requiring each teacher education center to submit an annual report to the Commissioner of Education; amending s. 236.081(3), Florida Statutes; providing for the direct support of educational training programs; amending s. 236.0811, Florida Statutes; requiring district master plans for inservice educational training; repealing s. 231.16, Florida Statutes, relating to the types, classes, and ranks of certificates to be issued; repealing s. 231.20, Florida Statutes, relating to the issuance of a graduate certificate; repealing s. 231.604, Florida Statutes, which creates and prescribes the duties of the State Council for Teacher Education Centers; providing effective dates.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, strike everything after the enacting clause and insert the following: Section 1. Section 231.135, Florida Statutes, is created to read:

231.135 *Approved teacher education programs*—Each teacher education program of an institution of higher learning within the state which has been approved by the Department of Education, as provided for by rules of the State Board of Education, shall require, as a prerequisite for admission into the teacher education program, that a student receive a passing score, to be established by state board rule, on a nationally normed standardized college entrance examination.

Section 2. *Because the Legislature finds that policies proposed by Florida teacher training institutions to place student teachers in the classroom as early in their undergraduate program as practicable, to provide comprehensive counselling services to students, and to implement more stringent retention policies in teacher preparation programs are desirable; the Commissioner shall, at least 30 days prior to the 1980 session of the Legislature, transmit to the members of the State Board of Education, the President of the Senate, the Speaker of the House of Representatives, and the Chairman of the Senate and House Education Committees, a report evaluating the extent to which Florida teacher training institutions with approved programs are implementing the aforementioned policies. Such Commissioner's report shall, further, include an evaluation of the advisability of implementing full year internships and a statement of the degree to which teacher training institutions are implementing full year internships as a prerequisite for graduation.*

Section 3. Section 231.17, Florida Statutes, is amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(1) The Department of Education shall issue a certificate of the proper type to any person possessing the qualifications for such a certificate as prescribed herein, and by rules and regulations of the state board, who pays the required fee, makes application in writing on the form prescribed by the department, submits satisfactory evidence that he possesses said qualifications and meets the other requirements of law. To be eligible for a certificate to serve in an instructional capacity, the applicant:

(a) Shall file a written statement under oath that he subscribes to and will uphold the principles incorporated in the Constitution of the United States;

(b) Shall be at least 18 years of age or shall have received a 4-year degree from an accredited institution of higher learning and shall not have attained the age of 70 years;

(c) Shall meet such academic and professional requirements based on credentials certified to by standard teacher-training institutions of higher learning, including any institutions of higher learning in this state which are accredited by an accrediting association which is a member of the Council on Postsecondary Accreditation, as may be prescribed by the state board;

(d) Shall be free from malignant, communicable, or mental diseases and shall be competent and capable of performing the duties, functions, and responsibilities of a teacher; and

(e) Shall be of good moral character; and

(f) Shall have received a passing score on a comprehensive examination as prerequisite to the receipt of a teaching certificate. Such examination shall be developed by the State University System, based upon minimum standards adopted by the state board. The state board shall adopt rules providing for the development and administration of such examination, including rules providing for the assessment of testing fees.

(g) Persons holding a valid Florida Certificate on the effective date of this act shall not be subject to the requirements of paragraph (f) of subsection (1) of s. 231.17, F.S., as amended by this act.

Section 4. Section 231.24, Florida Statutes, is amended to read:

231.24 *Extension of certificates*.—All certificates except temporary and provisional certificates issued under the provisions of the Florida Statutes, shall be extended extendible for successive periods under rules regulation of the state board prescribing such additional training or experience, or both, as may be deemed necessary for said extension; provided, that any training or experience claimed shall be either college course credit or inservice training, provided that at least one-half of any college course credit or inservice training claimed by instructional personnel shall be in the field or fields in which said individual is assigned or certified or will seek assignment or certification and further provided that any remaining college course credit or inservice training shall be either administration, guidance, exceptional education,

or basic skills education; the applicant for the extension of the certificate has not reached his seventieth birthday, and provided, however, that when any person holding a valid Florida teacher's certificate is called into or volunteers for actual wartime service or required peacetime military training, his certificate shall be extended for a period of time equal to the time he spends in military service, providing such person makes proper application and presents substantiating evidence to the Department of Education regarding such military service.

Section 5. Section 230.7595, Florida Statutes, is created to read:

230.7595 Commissioner to study ratios of administrative and instructional personnel.—

(1) For purposes of this section, full-time equivalent administrative personnel means those executive, administrative, and managerial personnel with assignments related to management or administrative functions and those managerial personnel who have supervisory responsibilities for other non-instructional personnel.

(a) Personnel who perform executive, administrative, or managerial duties on a part-time basis shall be reported as full-time equivalent administrative personnel in the manner prescribed by State Board of Education rules.

(b) Departmental or program chairmen or managerial personnel who teach shall be considered administrative personnel for the amount of time they are engaged in executive, administrative, or managerial duties.

(c) Non-instructional professional personnel shall be considered administrative personnel.

(2) For purposes of this section, full-time equivalent instructional personnel means those instructional personnel conducting organized instructional activities for 15 hours or more per week.

(a) Instructional personnel who perform administrative, executive, or managerial duties shall be considered instructional personnel for the amount of time they are conducting organized instructional activities.

(b) Departmental or program chairmen or managerial personnel who teach shall be considered instructional personnel for the amount of time they are conducting organized instructional activities.

(c) Part-time instructional personnel shall be converted to full-time equivalents by using the total instructional hours taught by part-time personnel divided by 15.

(d) Other full-time equivalent instructional personnel shall include, but not be limited to, counselors, guidance personnel, librarians, media specialists, curriculum specialists, and any other instructional personnel as defined by state board rules.

(3) The Commissioner of Education shall make a study of the administrator-instructional ratio as defined herein and report back to the 1979 Legislature with recommendations.

Section 6. Subsection (7) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(7) **REDUCTION IN PERSONNEL.—**The Commissioner of Education shall make a study of the administrator-teacher ratio and report back to the 1979 Legislature with recommendation. If a reduction in personnel becomes necessary to bring operating costs and expense within the amounts appropriated and available, it is hereby mandated that in no event shall the administrator-teacher ratio in any school district during the school year 1975-1976 be greater than the administrator-teacher ratio in effect in that school district during the year 1974-1975.

Section 7. Paragraph (d) of subsection (7) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school boards.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(7) **COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—**Provide adequate instructional aids for all children as follows and in accordance with the requirements of chapter 233.

(d) **School library media services libraries; establishment and maintenance.—**Establish and maintain school library media centers libraries or school library media centers libraries open to the public and, in addition thereto, such traveling or circulating libraries as may be needed for the proper operation of the district school system. Establish and maintain a program of school library media services for all public school students which shall be designed to insure effective use of available resources and to avoid unnecessary duplication and shall include, but not be limited to, basic skills development, instructional design, media collection development, media program management, media production, staff development, and consultation and information services.

Section 8. Paragraph (d) of subsection (9) of section 230.33, Florida Statutes, is amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals and reports required by law and regulation to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(9) **COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—**Recommend such plans for improving, providing, distributing, accounting for, and caring for textbooks and other instructional aids as will result in general improvement of the district school system, as prescribed in chapter 233 and including the following:

(d) **School library media services libraries; establishment and maintenance.—**Recommend plans for establishing and maintaining school library media centers and programs libraries, or school library media centers libraries open to the public, and, in addition thereto, such circulating or traveling libraries as are needed for the proper operation of the district school system. The school library media services program shall be designed to insure effective use of available resources and to avoid unnecessary duplication and shall include, but not be limited to, basic skills development, instructional design, media collection development, media program management, media production, staff development, and consultation and information services.

Section 9. Section 233.29, Florida Statutes, is hereby repealed.

Section 10. This act shall take effect on July 1, 1978, except that paragraph (f) of subsection (1) of s. 231.17, as amended by this act, shall take effect on July 1, 1980.

Amendment 2—On page 1 strike the entire title and insert the following: A bill to be entitled An act relating to personnel of the district school system; amending s. 230.23(7)(d), Florida Statutes, providing for the establishment and maintenance of a school library media services program; amending s. 230.33(9)(d), Florida Statutes, providing that the superintendent shall recommend plans for a school library media services program; repealing s. 232.29, Florida Statutes, relating to establishment and maintenance of libraries by school boards; creating s. 230.7595, Florida Statutes, to define full-time equivalent administrative and instructional personnel for community college funding purposes; providing procedures with respect to part-time personnel; providing for a community college administrator-instructor ratio study; amending s. 236.081(7), Florida Statutes, to provide for a public school administrator-teacher ratio study; creating s. 231.135, Florida Statutes; providing for approved teacher education programs to require certain admission criteria; requiring the Commissioner to report on the implementation of certain policies by Florida teacher training institutions; amending s. 231.17, Florida Statutes, to require passage of a comprehensive examination as a prerequisite to certification; amending s. 231.24, Florida Statutes, providing for extension of regular certificates; requiring training or experience claimed for extension of certificates to be either col-

lege course credit or inservice training in certain fields; deleting obsolete language; providing an effective date.

On motions by Senator Peterson, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

SPECIAL ORDER, continued

CS for HB 150—A bill to be entitled An act relating to criminal penalties and sentencing; providing a short title; amending s. 775.082, Florida Statutes, to provide determinate terms of imprisonment; amending s. 775.084, Florida Statutes, providing for enhancement of criminal penalties; providing definitions; creating s. 921.175, Florida Statutes, providing a list of disposition and sentencing alternatives; amending s. 921.18, Florida Statutes, providing legislative findings and declarations; creating s. 921.181, Florida Statutes, providing for imposition of sentence; creating s. 921.182, Florida Statutes, providing for the imposition of multiple terms of imprisonment; amending s. 921.185, Florida Statutes, establishing factors in aggravation and mitigation; authorizing additional factors in aggravation and mitigation; amending s. 921.21, Florida Statutes, conforming provisions relating to progress reports to the Parole and Probation Commission; requiring a prisoner to serve a minimum term prior to parole; limiting the period of parole; amending s. 921.22, Florida Statutes, providing for recalculation of existing sentences; amending s. 944.09, Florida Statutes, relating to supervision of offenders; providing for notice of the provisions of this act; creating s. 944.275, Florida Statutes, providing for different categories of gain-time; amending s. 947.16, Florida Statutes, providing for eligibility for parole; establishing powers and duties of the commission; limiting the maximum period of parole; amending s. 947.21, Florida Statutes, providing for confinement for a violation of parole; amending s. 947.23(2), Florida Statutes, specifying the term of confinement following parole violation; providing for report to the Legislature by the Bureau of Criminal Justice Planning and Assistance of the Division of State Planning of the Department of Administration; providing for assistance and cooperation by other state agencies; amending s. 775.087, Florida Statutes, deleting provisions relating to felony reclassifications; repealing s. 921.16, Florida Statutes, relating to consecutive and concurrent sentences; repealing ss. 944.27, 944.271, and 944.29, Florida Statutes, to remove provisions relating to statutory gain-time and good-time allowances; providing for automatic repeal upon certain contingency; providing an effective date.

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Scott:

Amendment 1—On page 2, line 28 through page 27, line 19, strike all of said lines and insert: Section 1. This act shall be known and may be cited as "The Sentencing Reform Act of 1978."

Section 2. Section 775.082, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 775.082, F.S., for present text.)

775.082 Penalties.—

(1) A person who has been convicted of a designated felony may be sentenced as follows:

(a)1. For a capital felony by life imprisonment unless the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, and in the latter event such person shall be punished by death. A person sentenced to life imprisonment pursuant to this paragraph shall be eligible for parole after serving 25 years.

2. In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subparagraph 1.

(b) For a life felony by a definite term of imprisonment of not less than 20 years. A person sentenced pursuant to this paragraph shall be eligible for parole after serving 20 years.

(c) For a felony of the first degree by a definite term of imprisonment of 10 years or if there are mitigating factors by a definite term of imprisonment of 5 years. If there are aggravating factors, such person may be sentenced by a definite term of imprisonment of 15 years, provided that such person shall be eligible for parole after serving 10 years. However, if the court imposes an increased term of imprisonment based on the fact that the defendant committed or attempted to commit a felony while personally armed with a deadly weapon or firearm or the defendant inflicted great bodily injury upon any person other than an accomplice in the course of a felony, the person shall not be eligible for parole after serving 10 years, but shall be required to serve 15 years.

(d) For a felony of the second degree by a definite term of imprisonment of 5 years or if there are mitigating factors by a definite term of imprisonment of 3 years. If there are aggravating factors, such person may be sentenced by a definite term of imprisonment of 10 years, provided that such person shall be eligible for parole after serving 5 years. However, if the court imposes an increased term of imprisonment based upon the fact that the defendant committed or attempted to commit a felony while personally armed with a deadly weapon or a firearm or the defendant inflicted great bodily injury upon any person other than an accomplice in the course of a felony, the person shall not be eligible for parole after serving 5 years, but shall be required to serve 10 years.

(e) For a felony of the third degree by a definite term of imprisonment of 2 years, or if there are mitigating factors by a definite term of imprisonment of not more than 2 years, or if there are aggravating factors by a definite term of imprisonment of 5 years.

(2) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree by a definite term of imprisonment not exceeding 1 year.

(b) For a misdemeanor of the second degree by a definite term of imprisonment not exceeding 60 days.

(3) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapters 316 and 318 or by ordinance of any city or county.

(4) This section shall not be construed to deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

Section 3. Section 775.084, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 775.084, F.S., for present text.)

775.084 Enhancement of prison terms.—

(1) For the purposes of this section, "violent felony" means any of the following crimes:

(a) Murder.

(b) Manslaughter.

(c) Sexual battery.

(d) Kidnapping.

(e) Aggravated battery.

(f) Robbery.

(g) Any other felony in which the defendant inflicts great bodily injury upon any person other than an accomplice.

(2)(a) When the new offense is a violent felony and the defendant is sentenced to prison therefor, in addition and consecutive to any other prison terms, the trial court shall impose a 3-year prison term for each prior conviction for a violent felony, provided that no additional term shall be imposed under this paragraph in any case in which the defendant has remained free of prison custody and free of felony conviction for 10 years immediately preceding the filing of an accusatory pleading that results in such a new felony conviction.

(b) Except as provided in paragraph (a), when the new offense is any felony for which a prison sentence is imposed,

in addition and consecutive to any other prison terms, the trial court shall impose a 1-year term for each prior conviction for a felony, provided that no additional term shall be imposed under this paragraph in any case in which the defendant has remained free of prison custody and free of felony conviction for 5 years immediately preceding the filing of an accusatory pleading that results in such new felony conviction.

(c) The additional penalties provided for shall not be imposed unless they are charged and admitted or found true in the action for the new offense.

(d) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which if committed in this state would be punishable by imprisonment in the state prison for 1 year or more. A prior conviction for a particular felony shall include a conviction in another jurisdiction for an offense which includes all the elements of the particular felony as defined under the laws of this state punishable by imprisonment in the state prison for 1 year or more.

(3) If the court determines that there are circumstances in mitigation of the additional punishments prescribed in this section, the court may strike the additional punishment provided that the reasons therefor shall be stated on the record.

Section 4. Section 921.175, Florida Statutes, is created to read:

921.175 Disposition and sentencing; alternatives.—The following alternatives for the disposition of noncapital criminal cases shall be used in a manner which best serves the needs of society, which punishes criminal offenders, and which provides the opportunity for rehabilitation. The court may:

(1) Release a first offender charged with a misdemeanor or a felony of the third degree to the pretrial intervention program pursuant to s. 944.025.

(2) Place the offender on probation with or without an adjudication of guilt pursuant to s. 948.01.

(3) Impose a fine and probation pursuant to s. 948.011 when the offense is punishable by both a fine and imprisonment and probation is authorized.

(4) Place an offender who was convicted of a misdemeanor or felony on probation after he has completed a specified period of imprisonment pursuant to s. 948.01.

(5) Specify that all or part of a probation period be served in a community residential facility pursuant to s. 948.01.

(6) Sentence an offender to imprisonment in a county jail when a statute directs imprisonment in a state prison if the offender's cumulative sentence is not more than 1 year pursuant to s. 922.051.

(7) Sentence an offender who is to be punished by imprisonment in a county jail to a jail in another county if there is no jail within the county suitable for such prisoner pursuant to s. 950.01.

(8) Require the offender to participate in a work release or educational or vocational training program pursuant to s. 951.24 while serving a sentence in a county jail if such a program is available.

(9) Require an offender to make restitution pursuant to s. 775.089.

(10) Require an offender to perform a specified public service pursuant to s. 775.091.

(11) Commit an offender who is a minor to the Department of Health and Rehabilitative Services or place him on probation to the department pursuant to s. 959.115.

(12) Commit a mentally disordered sex offender to the Department of Health and Rehabilitative Services pursuant to s. 917.19.

(13) Require an offender who violates chapter 893 or violates any law while under the influence of a controlled substance to participate in a drug rehabilitation program pursuant to s. 397.12 or 893.15.

(14) Make any other disposition that is authorized by law.

Section 5. Section 921.18, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 921.18, F.S., for present text.)

921.18. Determinate period of imprisonment for noncapital felony.—The Legislature finds and declares that the purpose of imprisonment for crime is punishment. This purpose is best served by terms proportionate to the seriousness of the offense with provision for uniformity in the sentences of offenders committing the same offense under similar circumstances. The Legislature further finds and declares that the elimination of disparity and the provision of uniformity of sentences can best be achieved by determinate sentences fixed by statute in proportion to the seriousness of the offense as determined by the Legislature to be imposed by the trial court with specified discretion.

Section 6. Section 921.181, Florida Statutes, is created to read:

921.181 Imposition of sentence.—

(1) In any case in which the punishment prescribed by statute for a person convicted of a noncapital offense is a term of imprisonment in the state prison as provided in s. 775.082, the trial court shall sentence the defendant to one of the terms specified unless such convicted person is eligible for any other disposition provided by law. The trial court, unless it determines that there are circumstances in mitigation of the punishment prescribed, shall impose any other prison sentence which is required by law pursuant to s. 775.084 as an additional prison sentence. Nothing in this section shall affect any provision of law which imposes the death penalty, which authorizes or restricts the granting of probation or suspending the execution or imposition of sentence, or which expressly provides for imprisonment in the state prison for life.

(2) When a judgment of imprisonment is entered, the court shall order the middle of the three possible terms of imprisonment, unless there are circumstances in aggravation or mitigation of the crime. Such circumstances shall only be considered if set forth in a motion made prior to or at the time of sentencing. The upper term may be imposed only when the circumstances alleged to be in aggravation of the crime are found to be true by the court upon the evidence previously heard by the court at the trial and when factual findings and reasons in support thereof are set forth on the record at the time of sentencing. In no event shall any fact be used twice to determine, aggravate, or enhance a sentence. The lower term may be imposed only when the circumstances alleged to be in mitigation of the crime are found to be true by the court upon the evidence introduced at the hearing and any evidence previously heard by the court at the trial and when factual findings and reasons in support thereof are set forth on the record at the time of sentencing.

(3) The court shall state the reasons for the sentence choice on the record at the time of sentencing. The court shall also inform the defendant that after the expiration of his sentence he shall be on parole as provided in s. 947.16.

(4) When a defendant subject to this section has been sentenced to be imprisoned in the state prison and has been committed to the custody of the Department of Offender Rehabilitation, the sentencing court may, at any time upon the recommendation of the Secretary of the Department of Offender Rehabilitation or the Parole and Probation Commission, or within 120 days of commitment on its own motion, find that the sentence failed to comply with the legislative intent as declared in s. 921.18 favoring the elimination of disparity of sentences, and recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if he had not previously been sentenced, provided that the new sentence, if any, is no greater than the initial sentence. Credit shall be given for time served.

Section 7. Section 921.182, Florida Statutes, is created to read:

921.182 Imposition of multiple terms.—

(1) Except as provided in subsections (2) and (3), when any person is convicted of two or more felonies, whether in the same proceeding or court or in different proceedings or courts and whether by judgment rendered by the same judge or by different judges and when each judgment imposes a term of imprisonment, the aggregate term of imprisonment for all such convictions shall be the greatest term of imprisonment imposed by the judge for any of the crimes, including any enhancements under

s. 775.084 plus one-third of the middle term of imprisonment prescribed for each other felony conviction for which a consecutive term of imprisonment is imposed without such enhancements.

(2) In the case of any person convicted of a felony which is committed while such person is confined in a state prison, the aggregate term of imprisonment for all convictions shall be the remainder of the term for which he was convicted plus the term of imprisonment specified by the judge for the crime committed while confined in a state prison. If such person is convicted of more than one such felony in the same proceeding, the aggregate term for all convictions which the person is required to serve shall be the remainder of the term for which he was confined plus the greatest term of imprisonment specified by the judge for any such felonies and plus one-third of the middle term of imprisonment prescribed for each other such felony conviction. The provisions of this subsection shall be applicable in cases of more than one offense in different proceedings and convictions of more than one offense in the same or different proceedings.

(3) When the court imposes a prison sentence for a felony pursuant to s. 921.181, the court shall also impose the additional sentences as provided by s. 775.084 for each prior conviction charged and proved in the case, and for any other sentence which is required by law to run consecutive to the sentence imposed under s. 921.181, except as provided in subsections (4) and (5) of this section.

(4) The additional penalties provided for being armed with a deadly weapon or the use of a firearm shall not apply where such arming or use is a specific element of the crime. The additional penalty for the infliction of great bodily injury shall not apply where great bodily injury is a specific element of the crime. No more than one of the additional penalties shall apply to the sentence for any single offense, except that the enhancement provided for prior felony convictions shall apply whenever applicable and in conjunction with any of the other additional penalties. A prisoner who is convicted of committing a felony as provided in subsection (2) shall be subject to the same term of imprisonment as any other person committing such felony, except that the sentence shall be served in addition to the remainder of the prisoner's current term of imprisonment.

(5) In no case shall the term of imprisonment exceed twice the number of years imposed by the trial court as the base term pursuant to s. 921.181, unless the defendant is convicted of a violent felony as defined in s. 775.084(1), which had been charged in the indictment or information and found to be true by the jury upon jury trial, or found to be true by the court upon court trial, or admitted by the defendant.

Section 8. Section 921.185, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 921.185, F.S., for present text.)

921.185 Factors in aggravation and mitigation; review of sentences.—

(1) The Supreme Court shall, by rule, provide procedures and guidelines for the imposition of sentences in mitigation and in aggravation as provided in s. 921.181.

(2) The Supreme Court may, by rule, provide procedures for review, if any, of sentences imposed under this act.

Section 9. Section 921.21, Florida Statutes, is amended to read:

921.21 Progress reports to Parole and Probation Commission. — ~~From time to time~~ *For those persons sentenced to imprisonment under ss. 921.181 and 921.182 who are eligible for parole after serving a minimum determinate sentence as provided in s. 775.082, the [Department of Offender Rehabilitation] shall submit to the Parole and Probation Commission progress reports and recommendations regarding prisoners sentenced under s. 921.18. When the classification board of the [Department of Offender Rehabilitation] determines that justice and the public welfare will best be served by paroling or discharging a prisoner, it shall transmit its finding to the Parole and Probation Commission. The commission shall have the authority to place the prisoner on parole as provided by law or give him a full discharge from custody after serving a minimum determinate sentence as provided in s. 775.082. The period of parole*

granted by the Parole and Probation Commission shall be in its discretion, but the parole period shall not exceed the maximum period provided in s. 947.16 term for which the prisoner was sentenced.

Section 10. Section 921.22, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 921.22, F.S., for present text.)

921.22 Recalculation of existing sentences.—

(1) In any case of an inmate sentenced to imprisonment for a felony prior to the effective date of this act, who would have been sentenced under this act if sentenced after the effective date, Parole and Probation Commission shall determine what the length of time of imprisonment would have been under ss. 775.082 and 775.084 without consideration of good-time credit and utilizing the middle term of imprisonment for the offense bearing the longest term of imprisonment of which the prisoner was convicted plus any additional terms which were imposed by the court at the time of sentencing for such felony or aggravation.

(2) When the calculation required under subsection (1) is less than the time to be served under the existing indeterminate sentence of imprisonment, the Parole and Probation Commission shall set a tentative date for release from imprisonment and placement on parole, subject to the provisions of subsection (4), on the date calculated under subsection (1), unless a majority of all the members of the Parole and Probation Commission, after reviewing the prisoner's file, determines that due to the number of crimes the prisoner was convicted of, or due to the number of prior convictions the prisoner has been convicted of, or due to the fact that the prisoner was armed with a deadly weapon during the commission of the crime, or inflicted or attempted to inflict great bodily injury on the victim of the crime, the prisoner should serve a term longer than that calculated in subsection (1), in which event the prisoner shall be entitled to a hearing. At such hearing the prisoner shall be entitled to be represented by legal counsel, a release date shall be set within 90 days of the hearing, and the prisoner shall be informed in writing of the extraordinary factors specifically considered determinative and on what basis the release date has been calculated. In fixing a term under this section the commission shall be guided by the term which reasonably could be imposed on a person after the effective date of this act for a similar crime under similar circumstances specifically in those cases which involve persons convicted of one or more crimes specified in s. 775.084(1). In fixing a term in any case involving a prisoner convicted of one or more of the crimes specified in s. 775.084(1), the Parole and Probation Commission shall be guided by the following finding and declaration hereby made by the Legislature; that the necessity to protect the public from the repetition of such extraordinary crimes of violence is the paramount consideration.

(3) In the case of any inmate sentenced to the state prison for a felony prior to the effective date of this act, who would have been sentenced under this act if sentenced after the effective date, the good behavior and participation provisions in ss. 944.27 and 944.28 shall apply from the effective date of this act and thereafter.

(4) In the case of any inmate sentenced for a felony to the state prison prior to the effective date of this act, the length of parole conditions therein, revocation thereof, and other incidents thereto shall be the same as if the prisoner had been sentenced after the effective date of this act.

(5) Nothing in this section shall be deemed to keep an inmate in the custody of the Department of Offender Rehabilitation for a period of time longer than he would have been kept in custody under the provisions of law applicable to him prior to the effective date of this act.

Section 11. Section 944.09, Florida Statutes, is amended to read:

944.09 Supervision of offenders committed to the Department of Offender Rehabilitation; rules and regulations; punishment.—

(1) All persons committed to the Department of Offender Rehabilitation shall be supervised by it.

(2) The department shall publish rules ~~and regulations~~ and make a copy available for review by each employee and inmate. *The department shall, not later than 30 days after commencement of the term of imprisonment, inform every inmate sentenced of all applicable prison rules including the possibility of receiving a one-third reduction of the sentence for good behavior and participation. Within 30 days of the inmate's arrival at the institution to which the inmate is ultimately assigned by the Department of Offender Rehabilitation, the inmate shall be informed of the range of programs offered by the institution and their availability at that institution. The inmate's central file shall reflect compliance with the provisions of this subsection not later than 90 days after the commencement of the term. The rules and regulations shall include or relate to:*

- (a) The rights of inmates.
- (b) The rules of conduct to be observed by inmates and the categories of violations according to degrees or levels of severity as well as the degrees of punishment applicable and appropriate to such violations.
- (c) Disciplinary procedures and punishment.
- (d) Grievance procedures.
- (e) The operation and management of the correctional institution or facility and its personnel and functions.
- (f) Mail to and from the state correctional system.

(3) ~~Rules Regulations~~ of the department shall be adopted and filed with the Department of State as provided in Chapter 120.

(4) It shall be the duty of the superintendents to supervise the government, discipline, and policy of the state correctional institutions and to enforce all orders ~~and~~, rules, ~~and~~ regulations.

(5) The department shall cause a record to be kept of violations of rules of conduct, the rule or rules violated, the nature of punishment administered, the authority ordering such punishment, the duration of time during which the offender was subjected to punishment, and the condition of the prisoner's health.

(6) *The department shall, within 90 days of the effective date of this act, inform every prisoner who would have been sentenced under this act if sentenced after the effective date of this act of all applicable prison rules, of the range of programs offered and their availability, and of the possibility of receiving a reduction for good behavior and participation of one-third of the prisoner's remaining sentence after the effective date of this act. The inmate's central file shall reflect compliance with the provisions of this subsection.*

Section 12. Section 947.16, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 947.16, F.S., for present text.)

947.16 Eligibility for parole; powers and duties of commission.—

(1) An employee of the Parole and Probation Commission shall meet with each inmate at least 30 days prior to the inmate's good-time release date and shall specify the conditions of parole and the length of parole up to the maximum period of parole provided by law.

(2)(a) At the expiration of a term of imprisonment or the expiration of a term reduced pursuant to s. 944.27, if applicable, the inmate shall be released on parole for a period not exceeding 1 year, unless the commission for good cause shown waives parole and discharges the inmate from the custody of the Department of Offender Rehabilitation.

(b) If the inmate is released on parole after serving a minimum term of imprisonment as provided in s. 775.082, the Parole and Probation Commission shall determine the length of the parole period. Such parole period shall not be less than 1 year and shall not extend beyond the maximum term of imprisonment provided by law.

(3) The Parole and Probation Commission shall consider the request of any inmate regarding the length of his parole and the conditions thereof.

(4) Upon successful completion of parole the inmate shall be discharged from custody. The date of the maximum statutory period of parole under this section shall be computed from the date of initial parole and shall be a period chronologically determined without interruption, whether or not parole has been revoked and the inmate has been resentenced. If a prisoner absconds during the period of parole, the running of such period shall be suspended until the prisoner is located and returned.

Section 13. Section 947.21, Florida Statutes, is amended to read:

947.21 Violations of parole.—

~~(1) A violation of the terms of parole may render the parolee liable to arrest and a return to confinement under the provisions of s. 947.23 prison to serve out the term for which he was sentenced.~~

~~(2) An offender whose parole is revoked may, at the discretion of the commission, be credited with any portion of the time he has satisfactorily served on parole.~~

Section 14. Subsection (2) of section 947.23, Florida Statutes, is amended to read:

947.23 Action of commission upon arrest of parolee.—

(2) Whenever a parole is revoked by the commission and said parolee ordered by said commission to be returned to confinement, ~~said confinement, in the absence of a new conviction and prison sentence under other provisions of law, shall not exceed 6 months. In no event shall confinement under this section extend beyond the maximum period of parole specified by s. 947.16(2). If the inmate is subsequently released on parole, the parole period shall not extend beyond such maximum period of parole. prison, the parolee, by reason of his misconduct, shall be deemed to forfeit all gain time or commutation of time for good conduct, as provided for by s. 944.27, earned up to the date of his release on parole. Nothing herein shall deprive the prisoner of his right to gain time or commutation of time for good conduct, as provided in s. 944.27, from the date he is returned to prison.~~

Section 15. Implementation.—

(1) Prior to December 1, 1982, the Bureau of Criminal Justice Planning and Assistance of the Division of State Planning of the Department of Administration shall report to the Legislature. The report shall include:

- (a) A comprehensive plan for implementation of this act.
- (b) Estimated additional requirements of personnel and facilities for each affected agency projected through fiscal year 1991.
- (c) Estimated overall additional cost of implementation of this act projected through fiscal year 1991.
- (d) Availability of alternative sources of immediate and long-range funding of this act.

(2) The report of the Bureau of Criminal Justice Planning and Assistance shall include its findings and recommendations.

(3) Prior to January 1, 1983, each state agency affected by this act shall provide the Bureau of Criminal Justice Planning and Assistance with a recommended plan for implementation of this act within such agency including estimated additional cost of personnel and facilities projected through fiscal year 1991.

(4) All state agencies shall cooperate with the Bureau of Criminal Justice Planning and Assistance by providing requested statistical data and other information, and by otherwise making their resources available to the bureau to the maximum extent possible.

Section 16. Section 775.087, Florida Statutes, is amended to read:

775.087 ~~Possession or use of weapon, aggravated battery, felony reclassification, Three year minimum sentence.—~~

~~(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the defendant carries, displays,~~

uses, threatens, or attempts to use any weapon or firearm, or during the commission of such felony the defendant commits an aggravated battery, the felony for which the person is charged shall be reclassified as follows:

(a) In the case of a felony of the first degree, to a life felony.

(b) In the case of a felony of the second degree, to a felony of the first degree.

(c) In the case of a felony of the third degree, to a felony of the second degree.

(2) Any person who is convicted of:

(1)(a) Any murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes; or

(2)(b) Any battery upon a law enforcement officer or firefighter while the officer or firefighter is engaged in the lawful performance of his duties and who had in his possession a "firearm," as defined in s. 790.001(6), or "destructive device," as defined in s. 790.001(4), shall be sentenced to a minimum term of imprisonment of 3 calendar years. Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall the defendant be eligible for parole or statutory gain time under s. 944.27 or s. 944.29, prior to serving such minimum sentence.

Section 17. Section 921.16, Florida Statutes, is hereby repealed.

Section 18. Section 948.01, Florida Statutes, is amended, by amending subsections (3) and (4), adding a new subsection (5), and renumbering the subsequent subsections, to read:

948.01 When courts may place defendant on probation.—

(Substantial rewording of subsection. See s. 948.01(3), F.S., 1977, for present text.)

(3) Whenever punishment by imprisonment for a misdemeanor or felony, except a capital felony, is prescribed, the court, in its discretion, may upon a hearing either adjudge a defendant who has not previously been convicted of a felony or previously been placed on probation for the commission of a felony to be guilty or stay and withhold the imposition of sentence and place the defendant on probation under the supervision and control of the department, provided it appears to the court that:

(a) The defendant is not likely to engage in a criminal course of conduct again; and

(b) The ends of justice and the welfare of society do not require that the defendant presently suffer the penalty imposed by law.

Upon placing a defendant on probation the court shall specify in the record the circumstances justifying the probation. The department shall during the continuance of the probation have the supervision and control of the defendant. No defendant placed on probation for a misdemeanor shall be placed under the supervision of the department unless the court specifically and affirmatively orders such supervision after finding that supervision in the community is necessary to provide adequate protection to the community or to assist in the rehabilitation of the offender, or both.

(4) Whenever punishment by imprisonment for a misdemeanor or a felony, except a capital felony, is prescribed, the court in its discretion, may, at the time of sentencing, direct a defendant who has not previously been convicted of a felony or previously been placed on probation for the commission of a felony to be placed on probation upon completion of any specified period of such sentence. In such case, the court shall stay and withhold the imposition of the remainder of sentence imposed upon the defendant and direct that the defendant be placed upon probation after serving such period as may be imposed by the court.

(5) The provisions of subsections (3) and (4) to the contrary notwithstanding, the court, in its discretion, may upon a

hearing place a defendant on probation who has previously been convicted of a felony or previously been placed on probation for the commission of a felony, provided the court finds that, in addition to the requirements of subsection (3), extraordinary circumstances justify the probation. Such extraordinary circumstances shall be stated in the record.

Section 19. This act shall take effect January 1, 1981, except that section 15 shall take effect July 1, 1978. In the event that a measure expressly providing for funding of implementation of this act does not become law by July 1, 1984, this act shall automatically be repealed on July 1, 1984.

Senator Renick moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 21, strike lines 3 through 7 and insert: Section 19. Subsection (6) of section 775.15, Florida Statutes, is amended and subsection (7) is added to said section to read:

775.15 Time limitations.—

(6) The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state, but in no case, other than as provided in subsection (7), shall this provision extend the period of limitation otherwise applicable by more than 3 years.

(7) The period of limitation for a prosecution of an offense committed by a hit-and-run driver shall not begin to run until the defendant has been identified, and shall not run during any time when such defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state.

Section 20. In the event that a measure expressly providing for funding of implementation of this act does not become law by July 1, 1984, sections 1 through 18 of this act shall automatically stand repealed effective July 1, 1984.

Section 21. This act shall take effect January 1, 1981, except that this section and section 15 shall take effect July 1, 1978 and section 19 shall take effect October 1, 1978.

Senator Chamberlin moved the following amendments to Amendment 1 which failed:

Amendment 1B—On page 1, line 16, strike "25" and insert: 15

Amendment 1C—On page 2, lines 8-10, strike "A person sentenced pursuant to this paragraph shall be eligible for parole after serving 20 years."

Amendment 1D—On page 6, line 28-33, strike and p. 7 lines 1-10 strike Section 5

(and renumber subsequent sections)

Amendment 1E—On page 8, line 6-7, strike "In no event shall any fact be used twice to determine, aggravate, or enhance a sentence."

Amendment 1F—On page 11, strike lines 28-33, and page 12, strike lines 1-33 and page 13, strike lines 1-28

Strike all of Section 10 and renumber subsequent sections.

Senator Scott moved the following amendment to Amendment 1 which was adopted:

Amendment 1G—On page 14, lines 7-9, strike "including the possibility of receiving a one-third reduction of the sentence for good behavior and participation"

Senator Wilson moved the following amendment to Amendment 1 which failed:

Amendment 1H—On page 21 strike all of Section 19 and insert: Section 19. This act shall take effect upon becoming a law.

Senator Myers moved that consideration of CS for HB 150 be deferred. The motion failed.

On motion by Senator Scott, consideration of CS for HB 150 was deferred.

On motion by Senator W. D. Childers, by two-thirds vote HB 1991 was placed on the special order calendar to be taken up at 3:00 p.m. this day.

On motion by Senator Pat Thomas the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 2178 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative McKnight and others—

HCR 2178—A concurrent resolution commending Dr. Paul Adrien Maurice Dirac, Professor at Florida State University, for his significant contributions in the field of scientific research and to the quality of student education at Florida State University, and commending Florida State University for holding an international conference in his honor.

—was read the first time in full. On motions by Senator Pat Thomas by two-thirds vote HCR 2178 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—30

Mr. President	Gorman	Peterson	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Sayler	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Spicola	Winn
Glisson	McClain	Thomas, Jon	
Gordon	Myers	Thomas, Pat	

Nays—None

The President introduced to the Senate Dr. Dirac who was accompanied by Dr. Bernard Sliger, president of Florida State University.

SPECIAL ORDER, continued

CS for HB 914—A bill to be entitled An act relating to the public school system; creating s. 232.0225, Florida Statutes, to allow absence from school attendance for participation in religious instruction under certain circumstances; providing conditions for district school board permission; authorizing the school principal to refuse a student's request for released time; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for HB 914 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Firestone	McClain	Thomas, Jon
Barron	Glisson	Peterson	Trask
Castor	Gorman	Poston	Vogt
Chamberlin	Graham	Renick	Ware
Childers, Don	Hair	Sayler	Winn
Childers, W. D.	Holloway	Scarborough	Zinkil
Dunn	MacKay	Scott	

Nays—2

Johnston Plante

Votes after roll call:

Yea—Spicola, Williamson
Yea to Nay—Chamberlin

Senator Gordon moved that the Senate reconsider the vote by which CS for HB 914 passed this day. The motion failed. The vote was:

Yeas—15

Castor	Gorman	Johnston	Renick
Chamberlin	Graham	McClain	Skinner
Firestone	Hair	Myers	Winn
Gordon	Henderson	Plante	

Nays—16

Barron	Holloway	Sayler	Trask
Childers, Don	MacKay	Scott	Vogt
Dunn	Peterson	Spicola	Ware
Glisson	Poston	Thomas, Jon	Zinkil

On motion by Senator Sayler, the Senate reverted to—

SB 1357—A bill to be entitled An act relating to the Department of Commerce; amending ss. 288.03(21)-(23) and 288.34 (1)(k) and (l), Florida Statutes; providing for certain guidelines concerning per diem, travel, operational and promotional advancements and reimbursements; adding a subsection to s. 288.35, Florida Statutes, providing a definition; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote SB 1357 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Graham	Poston	Tobiassen
Barron	Hair	Renick	Trask
Castor	Henderson	Sayler	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	MacKay	Scott	Williamson
Firestone	McClain	Skinner	Wilson
Glisson	Myers	Spicola	Winn
Gordon	Peterson	Thomas, Jon	Zinkil
Gorman	Plante	Thomas, Pat	

Nays—2

Childers, Don Johnston

HB 1532—A bill to be entitled An act relating to financial matters; amending s. 215.422(3), Florida Statutes; providing that if a warrant in payment of an invoice is not mailed by a state agency within 45 days after receipt of the invoice, the agency shall be liable to the vendor for interest at the rate of 1 percent per month on the unpaid balance; providing exceptions; amending s. 215.26(2), Florida Statutes; permitting the Comptroller to delegate to certain state agencies the authority to accept applications for refund of moneys claimed; providing for application forms; designating the duties of these state agencies with respect to applications for refund; providing an effective date.

—was read the second time by title.

Senator Gorman moved the following amendment which was adopted:

Amendment 1—On page 4, strike all of lines 3 and 4 and insert: Section 3. This act shall take effect on July 1, 1978.

On motion by Senator Gorman, by two-thirds vote HB 1532 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Graham	Plante	Thomas, Pat
Barron	Hair	Poston	Tobiassen
Castor	Henderson	Renick	Trask
Childers, Don	Holloway	Sayler	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Firestone	MacKay	Scott	Williamson
Gallen	McClain	Skinner	Wilson
Glisson	Myers	Spicola	Winn
Gorman	Peterson	Thomas, Jon	Zinkil

Nays—None

HB 861—A bill to be entitled An act relating to guardianship; amending s. 744.421, Florida Statutes; providing that when property of a ward is derived in whole or in part from benefits paid to his guardian by the Veterans' Administration, notice by a person dependent on the ward that he has petitioned for a court order directing the guardian to contribute to his support from the ward's property shall be given to the Veterans' Administration and the chief attorney for the Division of Veterans' Affairs; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 861 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Peterson	Thomas, Pat
Barron	Gorman	Plante	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Sayler	Williamson
Childers, W. D.	Holloway	Scarborough	Wilson
Firestone	Johnston	Scott	Winn
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Thomas, Jon	

Nays—None

On motion by Senator Plante, the Senate reconsidered the vote by which SB 795 passed this day. The vote was:

Yeas—21

Barron	Hair	Sayler	Tobiassen
Chamberlin	Henderson	Scarborough	Williamson
Childers, W. D.	Holloway	Scott	Wilson
Firestone	McClain	Skinner	
Gallen	Peterson	Thomas, Jon	
Gorman	Plante	Thomas, Pat	

Nays—14

Castor	Gordon	Renick	Ware
Childers, Don	Graham	Spicola	Zinkil
Dunn	MacKay	Trask	
Glisson	Poston	Vogt	

SB 1098—A bill to be entitled An act relating to acquittal for cause of insanity; amending s. 394.467(3)(b), (4)(a), and (5), Florida Statutes, relating to involuntary hospitalization; removing an obsolete reference; providing procedures relative to commitment of persons to the Department of Health and Rehabilitative Services by virtue of having been adjudicated not guilty by reason of insanity; establishing that the committing court shall retain jurisdiction in such cases; providing that an order of the hearing examiner allowing release of such a patient shall not be effective until approved by the committing court; providing that the patient and the State Attorney have the right to a hearing before the committing court; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote SB 1098 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Childers, Don	Firestone	Glisson
Castor	Childers, W. D.	Gallen	Gordon

Gorman	Myers	Skinner	Ware
Graham	Plante	Spicola	Williamson
Henderson	Poston	Thomas, Jon	Wilson
Holloway	Renick	Thomas, Pat	Winn
Johnston	Sayler	Tobiassen	Zinkil
MacKay	Scarborough	Trask	
McClain	Scott	Vogt	

Nays—None

Vote after roll call:

Yea—Peterson

By the Committee on Natural Resources and Conservation and Senator Scott—

CS for SB 139—A bill to be entitled An act relating to beach erosion; amending ss. 161.141, 161.161, 161.171, 161.181, 161.191, 161.211, Florida Statutes; providing for publicly financed beach erosion control projects; conforming the roles of the Department of Natural Resources and the Board of Trustees of the Internal Improvement Trust Fund to the requirements of chapter 75-22, Laws of Florida; providing an effective date.

—was read the first time by title and SB 139 was laid on the table.

On motions by Senator Scott, by two-thirds vote CS for SB 139 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Plante	Thomas, Pat
Castor	Gorman	Poston	Tobiassen
Chamberlin	Graham	Renick	Trask
Childers, Don	Henderson	Sayler	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

HB 811—A bill to be entitled An act relating to statutory gain-time; creating s. 944.275, Florida Statutes, relating to gain-time; repealing ss. 944.27, 944.271 and 944.29, Florida Statutes, relating to statutory gain-time and good time allowances; amending section 20 of chapter 76-273, Laws of Florida, to conform to this act; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 811 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Plante	Thomas, Pat
Castor	Gorman	Poston	Tobiassen
Chamberlin	Graham	Renick	Trask
Childers, Don	Henderson	Sayler	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

HB 506—A bill to be entitled An act relating to the Public Service Commission; repealing ss. 347.08, 347.09, 347.10, 347.11, 347.12, 347.13, 347.14, 347.15, 347.16, 347.17, and 347.18, Florida Statutes, relating to the regulation of certain toll bridges,

causeways, tunnels, toll highways, and ferries; providing that all the rights, powers, and duties of the commission over any such facility are transferred to the Department of Transportation to be administered under chapter 338, Florida Statutes; providing exceptions; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Myers and adopted:

Amendment 1—On page 1, strike all of line 30 and insert: Section 2. Subsection (5) is added to s. 338.13, Florida Statutes, to read:

338.13 Toll facilities; purchase, lease, ~~or~~ rent ~~of~~ or termination of.—

(5) When, through the construction of roads and/or bridges, a reasonable alternative route is provided for users of a ferry operated by the State of Florida, and when all legal requirements or bond covenants relating to the operation of such ferries are satisfied, the operation of the ferry shall be terminated by the state.

Section 3. This act shall take effect July 1, 1978.

Amendment 2—On page 1 in title, strike all of line 13 and insert: adding s. 338.13(5), Florida Statutes, providing for the termination of ferries operated by the state; providing an effective date.

On motion by Senator Myers, by two-thirds vote HB 506 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Castor	Henderson	Sayler	Vogt
Childers, Don	Holloway	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil
Gordon	Plante	Thomas, Pat	
Gorman	Poston	Tobiassen	
Graham	Renick	Trask	

Nays—None

Vote after roll call:

Yea—Peterson

HB 25—A bill to be entitled An act relating to the regulation of boats; amending s. 371.68, Florida Statutes, providing that violations of certain boating safety regulations are noncriminal violations rather than second degree misdemeanors; amending s. 371.67, Florida Statutes, providing for enforcement by officers of the Division of Law Enforcement of the Department of Natural Resources and the Game and Fresh Water Fish Commission; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 25 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Castor	Gorman	Poston	Tobiassen
Chamberlin	Graham	Renick	Vogt
Childers, Don	Henderson	Sayler	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Firestone	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	
Gordon	Myers	Thomas, Pat	

Nays—4

Plante	Skinner	Trask	Wilson
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Vote after roll call:

Yea—Peterson

SB 1345—A bill to be entitled An act relating to diversion of utility or cable television service; adding s. 812.14(2)(c), Florida Statutes; making it unlawful to use or receive benefit from the use of utility, cable television, or community antenna line service under certain circumstances; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Zinkil moved the following amendment which was adopted:

Amendment 1—On page 1, line 19, strike "or" and insert: ";

Senator Tobiassen moved the following amendment which was adopted:

Amendment 2—On page 1, line 24, strike "period" and insert: for the purpose of avoiding payment.

Senator MacKay moved the following amendment which was adopted:

Amendment 3—On page 1, at the end of line 17, insert: Wilfully and knowingly

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:01 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Scarborough at 2:00 p.m. A quorum present—33:

Barron	Graham	Poston	Tobiassen
Castor	Hair	Renick	Trask
Chamberlin	Henderson	Sayler	Williamson
Childers, Don	Holloway	Scarborough	Wilson
Childers, W. D.	Johnston	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	
Gordon	Myers	Thomas, Jon	
Gorman	Peterson	Thomas, Pat	

Excused: Periodically, Senators Gallen, Ware, Plante, Dunn and Vogt, the select committee on the Marketable Records Title Act (CS for SB 970).

On motion by Senator W. D. Childers the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Economic, Community and Consumer Affairs and Senators J. Thomas and Glisson—

CS for SB 185—A bill to be entitled An act relating to Department of Health and Rehabilitative Services' regulation of the fitting and selling of hearing aids; amending s. 468.122(2), Florida Statutes; providing that nothing in part III, chapter 468, Florida Statutes, shall prohibit a corporation, partnership, trust, association or other organization from engaging in the business of fitting and selling hearing aids at retail without a certificate of registration if it employs registrants; amending s. 468.123(6), Florida Statutes, and adding new subsections to said section; authorizing the department to impose administrative fines, and to issue cease and desist orders; creating s. 468.1235, Florida Statutes; creating an Advisory Council; amending s. 468.126, Florida Statutes; specifying the qualifications of applicants for registration and prescribing duration of stages of the trainee apprenticeship period and conditions of each stage; creating s. 468.1261, Florida Statutes; providing for the establishment of academic courses in the fitting, selling, and servicing of hearing aids; amending s. 468.128, Florida Statutes; authorizing department to set registration fees up to a specified maximum; amending s. 468.129, Florida Statutes; providing for imposition of administrative fines for specified causes; adding s. 468.130(15), Florida Statutes; providing that canvassing to sell hearing aids is unethical conduct; amending s. 468.134(4), Florida Statutes, and adding a new subsection to said section; providing for satisfactory completion of continuing education courses as a pre-

requisite to renewal of registration; renumbering s. 468.135(7), Florida Statutes, and adding a new subsection (7) to said section; prescribing requirements for conducting audiometric tests; amending s. 468.136, Florida Statutes; providing for the contents of receipts for the sale of hearing aids; prescribing requirements for packaging of hearing aids; creating s. 468.1375, Florida Statutes; providing for injunctive relief; repealing s. 468.128, Florida Statutes, which prescribes a fee schedule; repealing ss. 468.131-468.133, Florida Statutes, as amended, relating to obsolete administrative procedures; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, lines 24-31, and page 4, lines 1-17, strike all of said lines and insert: 468.1235 Advisory council.—

(1) An advisory council to the Department of Health and Rehabilitative Services is created to consist of six members who shall be residents of this state. Three members shall be licensed hearing aid dispensers. One member shall be an otolaryngologist licensed pursuant to chapter 458. One member shall be an audiologist licensed under chapter 468, part IV. All of these members shall be persons who have had at least 5 years' experience in their specialty field. In addition, a consumer who is a hearing aid user shall be appointed. Members of the council shall be appointed by the Secretary of Health and Rehabilitative Services, and shall act in an advisory capacity to the department in all matters relating to the dispensing of hearing aids, under chapter 468, part III. The term of office for members of the council shall qualify, except that of the members first appointed, one shall be for 1 year, two for 2 years and three for 3 years.

(2) Each member of the council shall be entitled to reimbursement as provided in s. 112.061.

Senator Jon Thomas moved the following amendment to House Amendment 1 which was adopted:

Amendment 1A—On page 1, line 15, after the word "shall" insert: be 3 years, or until their successors are appointed and

On motion by Senator Jon Thomas, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendment to the House amendment.

CS for SB 185 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Williamson
Childers, Don	Henderson	Scarborough	Wilson
Childers, W. D.	Holloway	Skinner	Winn
Firestone	Johnston	Spicola	Zinkil
Glisson	MacKay	Thomas, Jon	
Gordon	McClain	Thomas, Pat	
Gorman	Peterson	Tobiassen	

Nays—None

Votes after roll call:

Yea—Myers, Scott, Ware

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator W. D. Childers—

SB 567—A bill to be entitled An act relating to drivers' licenses; amending s. 322.27(1)(b), Florida Statutes; adding s. 322.27(2)(h), Florida Statutes; providing circumstances under which the Department of Highway Safety and Motor Vehicles may suspend a driver's license without preliminary hearing; providing circumstances for the deduction of points from the driver history record of certain persons; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 12, insert new Section 2: Section 2. There is hereby appropriated the sum of \$1,872,181 from the general revenue fund and \$270,103 from the Reimbursement Trust Fund for the purpose of adjusting by two pay-grades all "law enforcement" classes within the Division of Florida Highway Patrol, Division of Marine Resources and the Game and Fresh Water Fish Commission.

(Renumber subsequent section.)

Amendment 2—On page 1 in title, line 10, following the ";", insert: providing an appropriation;

On motions by Senator W. D. Childers, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Health and Rehabilitative Services and Senator Castor and others—

CS for SB 649—A bill to be entitled An act relating to spouse abuse; providing legislative intent; providing definitions; prescribing duties and functions of the Department of Health and Rehabilitative Services with regard to spouse abuse; providing for the development and establishment of spouse abuse centers for the prevention, care, treatment, and rehabilitation of persons engaged in or subject to spouse abuse; authorizing the department to prescribe by rule the standards for certification of the centers; requiring the department to conduct research and furnish assistance in the area of spouse abuse; requiring the department to make an annual evaluation of each center; requiring a report to the Legislature; prescribing certification standards and funding requirements for centers; requiring a center to refer certain persons and their spouses to appropriate treatment or rehabilitation agencies; providing for confidentiality; requiring law enforcement officers to notify persons subject to spouse abuse of the availability of a center, if there is a center available; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 22 in title after the semicolon ";", insert: providing an increase in marriage license fees and appropriating the proceeds for the purposes of the act;

Amendment 2—On page 1, line 26 in title, strike "providing an appropriation;"

On motions by Senator Castor, the Senate concurred in the House Amendments.

CS for SB 649 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Peterson	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Williamson
Childers, Don	Henderson	Sayler	Wilson
Childers, W. D.	Holloway	Scarborough	Winn
Firestone	Johnston	Spicola	Zinkil
Glisson	MacKay	Thomas, Jon	
Gordon	McClain	Thomas, Pat	

Nays—None

Votes after roll call:

Yea—Dunn, Myers, Scott, Skinner, Ware

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Appropriations and Senator P. Thomas and others—

CS for SB 678—A bill to be entitled An act relating to the old Florida Capitol; providing a short title; directing the Division of Building Construction and Property Management of the Department of General Services to restore and preserve the old Capitol in its authentic 1902 form; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3—On page 1, line 27, after the period insert: Section 4. Immediately upon this act becoming a law, the division shall take all appropriate measures to provide for the rerouting of Monroe Street so as to provide for additional park space between the front of the restored capital and the intersection of Monroe Street with Apalachee Parkway denoted as Alternative # 1 in the Supplement to Conservation Alternatives Existing Capitol Building Florida Capitol Complex, March 1977.

Senator Pat Thomas moved the following amendment to House Amendment 3 which was adopted:

Amendment 3A—On page 1, line 9, after the period insert: Provided however, that the provisions of section 2 shall proceed independently of other sections of this act and this section shall in no way impede or prevent the restoration of the 1902 Capitol provided for in section 2, and provided further that none of the funds appropriated by this act shall be used to provide for the rerouting of Monroe Street.

Amendment 4—On page 1, line 27, after the period insert: Immediately upon this act becoming a law, the division shall conduct necessary site investigation and historical documentation, after which the division shall immediately raze those portions of the House and Senate wings of the capitol necessary to restore and preserve the Historic Capitol in its 1902 form.

On motion by Senator Pat Thomas, further consideration of CS for SB 678 as amended was deferred.

SPECIAL ORDER, continued

Consideration of Senate Bills 1345, 1185 and 1149 was deferred.

CS for SB 906, by the Committee on Judiciary-Criminal and Senator Castor, was read the first time by title and SB 906 was laid on the table.

On motions by Senator Castor, the rules were waived and by two-thirds vote CS for HB 1237 was withdrawn from the Committees on Health and Rehabilitative Services; Judiciary-Criminal; Judiciary-Civil; and Appropriations.

On motion by Senator Castor—

CS for HB 1237—A bill to be entitled An act relating to controlled substances; amending s. 893.12(2), Florida Statutes, declaring money used in connection with drug abuse offenses to be contraband and providing for the seizure and forfeiture thereof; creating part II of chapter 893, Florida Statutes, consisting of ss. 893.20-893.27, Florida Statutes; establishing the Controlled Substance Therapeutic Research Act; providing legislative intent; providing definitions; establishing a program; providing for confidentiality; providing for a patient qualification review board; providing duties; providing for reimbursement; providing for distribution of controlled substance; providing for a report; providing an exception to part I of chapter 893, Florida Statutes; providing an effective date.

—a companion measure, was substituted for CS for SB 906 and read the second time by title.

* Senator Castor moved the following amendments which were adopted:

Amendment 1—On page 1, line 23, strike everything after the enacting clause and insert: Section 1. Part II of chapter

893, Florida Statutes, consisting of sections 893.20, 893.21, 893.22, 893.23, 893.24, 893.25, 893.26, and 893.27, is created to read:

PART II

THERAPEUTIC USES

893.20 Short title.—The provisions of this part shall be known and may be cited as the "Controlled Substances Therapeutic Research Act."

893.21 Legislative intent; purpose.—The Legislature finds that recent research has shown that the use of cannabis may alleviate the nausea and ill-effects of cancer chemotherapy, and may alleviate the ill-effects of glaucoma. The Legislature further finds that there is a need for further research and experimentation with regard to the use of cannabis under strictly controlled circumstances. It is for this purpose that the Controlled Substances Therapeutic Research Act is hereby enacted.

893.22 Definitions.—As used in this part:

(1) "Secretary" means the secretary of the Department of Health and Rehabilitative Services, or his designee.

(2) "Cannabis" means those substances defined as such in s. 893.02(2), tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols.

(3) "Practitioner" means a physician licensed pursuant to chapter 458, provided such physician holds a valid federal controlled substance registry number.

893.23 Controlled substances therapeutic research program.—

(1) There is established within the Department of Health and Rehabilitative Services a controlled substances therapeutic research program. The program shall be administered by the secretary. The department shall adopt rules necessary for the proper administration of this part. In adopting rules, the department shall take into consideration pertinent rules and regulations promulgated by the federal Drug Enforcement Administration, the Food and Drug Administration, and the National Institute on Drug Abuse.

(2) Except as provided in 893.24(4), the controlled substances therapeutic research program shall be limited to cancer chemotherapy patients and glaucoma patients, who are certified to the Patient Qualification Review Board by a practitioner as being involved in a life-threatening or sense-threatening situation and who are not responding to conventional controlled substances or where the conventional controlled substances administered have proven to be effective but where the patient has incurred severe side effects.

893.24 Patient Qualification Review Board; composition; powers and duties.—

(1) The secretary shall appoint a Patient Qualification Review Board to serve at his pleasure. The Patient Qualification Review Board shall be comprised of:

(a) A physician licensed pursuant to chapter 458 and certified by the American Board of Ophthalmology;

(b) A physician licensed pursuant to chapter 458 and certified by the American Board of Internal Medicine and also certified in the subspecialty of medical oncology; and

(c) A physician licensed pursuant to chapter 458 and certified by the American Board of Psychiatry.

(2) Members of the board may be reimbursed for their attendance at meetings as authorized by s. 112.061.

(3) The Patient Qualification Review Board shall review all applicants for the controlled substance therapeutic research program and their licensed practitioners and certify their participation in the program. The board shall additionally certify practitioners and state-operated licensed pharmacies for participation regarding the distribution of cannabis pursuant to s. 893.25.

(4) The Patient Qualification Review Board may include other disease groups for participation in the controlled substances therapeutic research program after pertinent medical data have been presented by a practitioner to both the secretary and the board.

893.25 Distribution of controlled substance.—

(1) The secretary shall apply to contract with the National Institute on Drug Abuse for receipt of cannabis pursuant to regulations promulgated by the National Institute on Drug Abuse, the Food and Drug Administration, and the Drug Enforcement Administration.

(2) The secretary shall cause such analyzed cannabis to be transferred to a certified state-operated pharmacy for distribution to a certified patient upon the written prescription of the certified practitioner pursuant to this part.

893.26 Report.—The secretary, in conjunction with the Patient Qualification Review Board, shall report his findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives, regarding the effectiveness of the controlled substance therapeutic research program prior to April 1 of each year.

893.27 Exceptions to part I.—

(1) The enumeration of cannabis, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in s. 893.03(1) as a Schedule I controlled substance does not apply to the use of cannabis, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols by certified patients pursuant to the provisions of this part.

(2) Cannabis, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols shall be considered Schedule II substances as enumerated in s. 893.03(2) only for the purposes enumerated in this part.

Section 2. This act shall take effect July 1, 1978.

Amendment 2—On page 1 in title, strike all of lines 2 through line 19 and insert: An act relating to controlled substances; creating part II, chapter 893, Florida Statutes, consisting of ss. 893.20-893.27, Florida Statutes; establishing the Controlled Substances Therapeutic Research Act; providing legislative intent and definitions; establishing a program for the limited distribution of cannabis to certain patients for therapeutic and research purposes; providing for a patient qualification review board; providing for reimbursement of members of such board for certain expenses; providing for the establishment of a state-operated pharmacy; requiring an annual report; providing an exception to part I of chapter 893, Florida Statutes; providing an effective date.

On motion by Senator Castor, by two-thirds vote CS for HB 1237 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gorman	Myers	Tobiassen
Castor	Graham	Peterson	Trask
Chamberlin	Hair	Poston	Williamson
Childers, Don	Henderson	Renick	Winn
Childers, W. D.	Holloway	Scarborough	Zinkil
Firestone	Johnston	Skinner	
Glisson	MacKay	Spicola	
Gordon	McClain	Thomas, Jon	

Nays—None

CS for SB 906 was laid on the table.

The President presiding

HB 829—A bill to be entitled An act relating to motor vehicles; amending s. 319.14(1)-(4), Florida Statutes, requiring the title of a rebuilt motor vehicle to indicate that it is rebuilt; requiring certain notification by the owner of a rebuilt motor vehicle prior to sale or exchange; amending s. 319.23(2), Florida Statutes, requiring the applicant to provide certain evidence of inspection of a motor vehicle's identity for an application for a certificate of title; amending s. 319.30(2), (3), (5), and (6), Florida Statutes, requiring an owner of an uninsured motor vehicle, rather than a vehicle of a certain age, which is considered to be a total loss or salvage to forward the title to the Department of Highway Safety and Motor Vehicles; deleting the requirement that certain other information be forwarded; providing an exemption from provisions outlawing the possession of certain junk or salvage motor

vehicles; changing the conditions under which a motor vehicle is deemed a total loss; requiring certain records; providing a penalty; amending s. 320.02(1)(a), Florida Statutes, requiring the application for the registration of vehicles registered outside the state to contain evidence of inspection and other information; amending s. 320.26(2), Florida Statutes, increasing the penalty for the unauthorized counterfeiting, manufacture, sale, or disposal of registration license plates and stickers; creating s. 325.141, Florida Statutes, transferring provisions prohibiting inspection of a vehicle prior to registration; providing an exception for certain vehicles registered out of state; creating s. 812.055, Florida Statutes, providing for the inspection of junkyards, scrap metal processing plants, salvage yards, licensed motor vehicle dealers, repair shops, parking lots, and public garages; amending s. 817.52(1) and (2), Florida Statutes, increasing the penalties for the unlawful obtaining or hiring of vehicles with intent to defraud; repealing s. 325.14(3), Florida Statutes, to conform to the act; providing an effective date.

—was read the second time by title.

Senator Pat Thomas moved the following amendments which were adopted:

Amendment 1—On page 11, line 27, after the period insert: Section 9. Subsection (3) of section 335.13, Florida Statutes, is amended to read:

335.13 Regulation of advertising signs.—

(3)(a) The provisions of subsections (1) and (2) shall not apply to benches or transit shelters, or advertising thereon, on the right-of-way of any municipal, county, or state road, except limited access highways, erected for the safety, comfort, or convenience of school children and the general public or at designated stops on official bus routes, provided that written permission has been secured from the pertinent political subdivision and that such benches or transit shelters do not interfere with right-of-way preservation and maintenance.

(b) The department shall have the authority to direct immediate relocation or removal of any bench or transit shelter which would endanger life or property.

(c) It is the intent of the legislature that no bench or transit shelter, or advertising thereon, shall be erected or so placed on the right-of-way of any road which would conflict with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision loss of federal funds.

(Renumber subsequent sections.)

Amendment 2—On page 2 in title, line 14, following the semicolon insert: amending s. 335.13(3), Florida Statutes; excepting transit shelters from the regulation of advertising signs;

On motion by Senator Poston, by two-thirds vote HB 829 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Castor	Hair	Poston	Tobiassen
Childers, Don	Holloway	Renick	Trask
Childers, W. D.	Johnston	Saylor	Williamson
Firestone	MacKay	Scarborough	Winn
Glisson	McClain	Spicola	Zinkil
Gordon	Myers	Thomas, Jon	
Gorman	Peterson	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Graham

The Governor returned SB 642 as requested by SCR 1354. On motion by Senator Firestone SB 642 was certified to the House.

On motion by Senator W. D. Childers the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, by two-thirds vote HB 2151 was withdrawn from the Committee on Commerce.

On motion by Senator W. D. Childers, by two-thirds vote CS for HB 1951 was withdrawn from the Committee on Natural Resources and Conservation.

SPECIAL ORDER, continued

Consideration of HB 35 was deferred.

HB 583—A bill to be entitled An act relating to search warrants; adding subsection (8) to s. 933.18, Florida Statutes; authorizing the issuance of a search warrant to search a private dwelling wherein the laws in relation to cruelty to animals have been or are being violated; providing a limitation; providing that property relating to violation of such laws may be taken from the dwelling; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Firestone and failed:

Amendment 1—On page 1, line 25, strike "Property" and insert: Evidence

Senator Spicola moved the following amendment which was adopted:

Amendment 2—On page 1, line 23, after "sunset" insert: and before sunrise

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Firestone and failed:

Amendment 3—On page 1 in title, line 8, strike "property" and insert: evidence

On motion by Senator Gorman, by two-thirds vote HB 583 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Peterson	Thomas, Pat
Barron	Graham	Poston	Tobiassen
Castor	Hair	Renick	Trask
Chamberlin	Henderson	Saylor	Williamson
Childers, Don	Holloway	Scarborough	Winn
Childers, W. D.	Johnston	Scott	Zinkil
Firestone	MacKay	Skinner	
Glisson	McClain	Spicola	
Gordon	Myers	Thomas, Jon	

Nays—None

HB 854—A bill to be entitled An act relating to mobile homes and recreational vehicles; amending s. 320.03(1), (3), Florida Statutes; requiring tax collectors to deliver and account for mobile home stickers; amending s. 320.031, Florida Statutes; providing for the mailing of mobile home stickers and for the collection of a service charge for such mailing; amending s. 320.04(1), Florida Statutes; providing a service charge for applications for such stickers; amending s. 320.06(2)(a), Florida Statutes, and adding s. 320.06(2)(g), (4)(c), Florida Statutes; deleting a reference to mobile home license plates; providing for exchange of mobile home stickers; prohibiting the giving of credit or refunds in connection with such exchange; providing for size, coloring, and numbering of mobile home stickers; providing for the annual issuance of such stickers; amending s. 320.081(1), Florida Statutes; providing for issuance of an RV license plate or mobile home sticker to evidence payment of certain fees; amending s. 320.0815, Florida Statutes; requiring issuance of RV license plates to certain vehicles; requiring issuance of mobile home stickers to certain recreational vehicles and mobile homes; requiring issuance of RP stickers to recreational vehicles or mobile homes which are taxed as real property; providing for the display of such plates or stickers; amending s. 320.35, Florida Statutes; exempting a mobile home bearing the appropriate sticker from certain license plate display require-

ments; providing that the operation over the public streets or the use for housing of a vehicle without the plate or sticker assigned to that vehicle be deemed operation or use without proper license; amending s. 320.37, Florida Statutes; limiting, with respect to certain vehicles owned by nonresidents, the exemption from certain registration requirements; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 8, line 18, insert new sections 9 and 10, and renumber subsequent section

Section 9. Subsection (29) is added to section 320.01, Florida Statutes, to read:

320.01 Definitions, general.—In construing these statutes, when applied to motor vehicles, and when the context permits, the word, phrase, or term:

(29) "Golf cart" means a motor vehicle designed and intended for use upon a golf course to carry a golfer and his golf equipment around such course.

Section 10. Section 320.515, Florida Statutes, is created to read:

320.515 Golf carts; partial exemption.—A golf cart is exempt from the provisions of the state motor vehicle laws which require the registration of such vehicles, the payment of a fee of any kind, the display of a registration tag or safety inspection sticker, or the annual motor vehicle safety inspection when such cart is:

(1) Operated on a street or highway which is not a state road or a designated county road;

(2) Operated within a 1-mile radius of a bona fide golf course and only when operated in going from the owner's or operator's residence to such golf course and returning therefrom;

(3) Operated during those hours of the day falling between sunrise and sunset;

(4) Equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, and red reflectorized warning devices in both the front and rear of the cart; and

(5) Operated by a person possessing a valid motor vehicle operator's or chauffeur's license.

Amendment 2—On page 1 in title, line 3, after the semicolon insert: adding s. 320.01(29), Florida Statutes; defining the term "golf cart"; creating s. 320.515, Florida Statutes; exempting golf carts from certain provisions of law with respect to motor vehicles and traffic control when operated and equipped in a specified manner; providing an effective date.

On motion by Senator Glisson, by two-thirds vote HB 854 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Graham	Peterson	Thomas, Pat
Barron	Hair	Poston	Tobiassen
Castor	Henderson	Renick	Trask
Childers, W. D.	Holloway	Saylor	Williamson
Firestone	MacKay	Scott	Winn
Glisson	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	

Nays—3

Chamberlin Childers, Don Johnston

The Senate resumed—

CS for HB 150—A bill to be entitled An act relating to criminal penalties and sentencing; providing a short title; amending s. 775.082, Florida Statutes, to provide determinate terms of imprisonment; amending s. 775.084, Florida Statutes, providing for enhancement of criminal penalties; providing definitions; creating s. 921.175, Florida Statutes, providing a list of dispo-

sition and sentencing alternatives; amending s. 921.18, Florida Statutes, providing legislative findings and declarations; creating s. 921.181, Florida Statutes, providing for imposition of sentence; creating s. 921.182, Florida Statutes, providing for the imposition of multiple terms of imprisonment; amending s. 921.185, Florida Statutes, establishing factors in aggravation and mitigation; authorizing additional factors in aggravation and mitigation; amending s. 921.21, Florida Statutes, conforming provisions relating to progress reports to the Parole and Probation Commission; requiring a prisoner to serve a minimum term prior to parole; limiting the period of parole; amending s. 921.22, Florida Statutes, providing for recalculation of existing sentences; amending s. 944.09, Florida Statutes, relating to supervision of offenders; providing for notice of the provisions of this act; creating s. 944.275, Florida Statutes, providing for different categories of gain-time; amending s. 947.16, Florida Statutes, providing for eligibility for parole; establishing powers and duties of the commission; limiting the maximum period of parole; amending s. 947.21, Florida Statutes, providing for confinement for a violation of parole; amending s. 947.23(2), Florida Statutes, specifying the term of confinement following parole violation; providing for report to the Legislature by the Bureau of Criminal Justice Planning and Assistance of the Division of State Planning of the Department of Administration; providing for assistance and cooperation by other state agencies; amending s. 775.087, Florida Statutes, deleting provisions relating to felony reclassifications; repealing s. 921.16, Florida Statutes, relating to consecutive and concurrent sentences; repealing ss. 944.27, 944.271, and 944.29, Florida Statutes, to remove provisions relating to statutory gain-time and good-time allowances; providing for automatic repeal upon certain contingency; providing an effective date.

—with pending Amendment 1 as amended, which was adopted.

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Scott:

Amendment 2—On page 1, lines 2-31, and on page 2, lines 1-24, strike all of said lines and insert: An act relating to criminal penalties and sentencing; providing a short title; amending s. 775.082, Florida Statutes, to provide determinate terms of imprisonment; amending s. 775.084, Florida Statutes, providing for enhancement of criminal penalties; providing definitions; creating s. 921.175, Florida Statutes, providing a list of disposition and sentencing alternatives; amending s. 921.18, Florida Statutes, providing legislative findings and declarations; creating s. 921.181, Florida Statutes, providing for imposition of sentence; creating s. 921.182, Florida Statutes, providing for the imposition of multiple terms of imprisonment; amending s. 921.185, Florida Statutes, providing for the Supreme Court to adopt rules for the imposition of sentences in aggravation and in mitigation; authorizing the Supreme Court in its discretion to provide for review of sentences imposed by trial courts; amending s. 921.21, Florida Statutes, conforming provisions relating to progress reports to the Parole and Probation Commission; amending subsections (3) and (4) and creating a new subsection (5) of s. 948.01, Florida Statutes, 1977, determining when a defendant may be placed on probation; requiring a prisoner to serve a minimum term prior to parole; limiting the period of parole; amending s. 921.22, Florida Statutes, providing for recalculation of existing sentences; amending s. 944.09, Florida Statutes, relating to supervision of offenders; providing for notice of the provisions of this act; amending s. 947.16, Florida Statutes, providing for eligibility for parole; establishing powers and duties of the commission; limiting the maximum period of parole; amending s. 947.21, Florida Statutes, providing for confinement for violation of parole; amending s. 947.23(2), Florida Statutes; specifying the term of confinement following parole violation; providing for report to the Legislature by the Bureau of Criminal Justice Planning and Assistance of the Division of State Planning of the Department of Administration; providing for assistance and cooperation by other state agencies; amending s. 775.087, Florida Statutes, deleting provisions relating to felony reclassifications; repealing s. 921.16, Florida Statutes, relating to consecutive and concurrent sentences; amending s. 948.01, Florida Statutes, providing that a person previously convicted of a felony shall not be placed on probation for the commission of another felony unless a court finds extraordinary circumstances so justify; providing for automatic repeal upon certain contingency; providing an effective date.

Senator Renick moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 2 in title, line 30, after the semicolon insert: amending s. 775.15(6), Florida Statutes, and adding subsection (7) to said section; prescribing the statute of limitations for prosecution of offenses committed by hit-and-run drivers and providing for the tolling thereof under certain circumstances;

Amendment 2 as amended was adopted.

Senator Pat Thomas presiding

The President presiding

On motion by Senator Scott, by two-thirds vote CS for HB 150 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Childers, Don	Graham	Peterson	Thomas, Jon
Childers, W. D.	Hair	Poston	Tobiassen
Firestone	Henderson	Renick	Trask
Glisson	Holloway	Saylor	Williamson
Gordon	Johnston	Scott	Winn
Gorman	Myers	Skinner	Zinkil

Nays—7

Barron	Chamberlin	McClain	Spicola
Castor	MacKay	Scarborough	

HB 1045—A bill to be entitled An act relating to the State University System; creating s. 240.145, Florida Statutes, prohibiting the merger of state universities without legislative approval; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1045 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Myers	Thomas, Jon
Barron	Graham	Peterson	Tobiassen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Williamson
Childers, Don	Holloway	Scarborough	Winn
Childers, W. D.	Johnston	Scott	Zinkil
Firestone	MacKay	Skinner	
Glisson	McClain	Spicola	

Nays—None

On motion by Senator MacKay, consideration of SB 823 was deferred.

HB 2155—A bill to be entitled An act relating to Sunland Recreational Park; renaming said park as "The William J. Rish Recreational Park"; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 2155 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Glisson	McClain	Thomas, Jon
Castor	Graham	Myers	Thomas, Pat
Chamberlin	Hair	Peterson	Tobiassen
Childers, Don	Henderson	Poston	Williamson
Childers, W. D.	Holloway	Renick	Winn
Firestone	MacKay	Spicola	

Nays—None

HB 1219—A bill to be entitled An act relating to solar energy; amending s. 377.705(4)(d), Florida Statutes, to require that solar energy systems manufactured or sold in Florida meet the standards of the Florida Solar Energy Center; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Henderson and adopted:

Amendment 1—On page 1, line 21, strike "1980" and insert: 1979

Senator Henderson moved the following amendments which were adopted:

Amendment 2—On page 1, line 21, strike line 21 and add new section 2 and 3.

Section 2. Section 704.07, Florida Statutes, is created to read:

704.07 Solar easements; creation; remedies.—

(1) Easements obtained for the purpose of maintaining exposure of a solar energy device shall be created in writing and shall be subject to being recorded and indexed in the same manner as any other instrument affecting the title to real property. Solar easements may be preserved and protected from extinguishment by the filing of a notice in the form and in accordance with the provisions set forth in ss. 712.05 and 712.06.

(2) In addition to fulfilling the requirements of law relating to conveyance of interest in land, the instrument creating the solar easement shall include:

(a) A description of the properties, servient, and dominant.

(b) The vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the real property subject to the solar easement.

(c) A description of where the easement falls across the servient property in relation to existing boundaries and various setbacks established by the local zoning authority.

(d) The point on the dominant property from where the angles describing the solar easement are to be measured.

(e) Terms or conditions under which the solar easement is granted or will terminate.

(f) Any provisions from compensation of the owner of the property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement or compensation of the owner of the property subject to the solar easement for maintaining the solar easement.

Section 3. Section 1 of this act shall take effect January 1, 1980. Section 2 of this act shall take effect October 1, 1978, except that no structure under construction on said date shall be subject to any solar easement recorded pursuant to this act.

Amendment 3—On page 1, line 6 in title, after the semi-colon insert: creating s. 704.07, Florida Statutes, providing for the creation of solar easements; providing the contents of the instrument creating a solar easement; providing remedies for the holder of the easement for interference therewith; providing exceptions, providing an effective date.

On motion by Senator Henderson, by two-thirds vote HB 1219 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Graham	Myers	Spicola
Castor	Hair	Peterson	Thomas, Jon
Childers, Don	Henderson	Poston	Tobiassen
Childers, W. D.	Holloway	Renick	Trask
Firestone	Johnston	Scarborough	Williamson
Glisson	MacKay	Scott	Winn
Gorman	McClain	Skinner	Zinkil

Nays—None

SB 1355—A bill to be entitled An act relating to legislative review of programs and functions which regulate a profession, occupation, business, industry and other endeavor; adding paragraph (z) to subsection (2) of section 3 of chapter 76-168, Laws of Florida, as amended; repealing paragraph (h) of

subsection (1) of section 3 of chapter 76-168, Laws of Florida, as amended; rescheduling the date for repeal of chapter 537, Florida Statutes, relating to yacht and shipbrokers; providing for retroactive operation under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Holloway moved that the rules be waived and SB 1355 be read the third time by title. The motion failed.

HB 1042—A bill to be entitled An act relating to corneal transplant; amending s. 732.9185, Florida Statutes, authorizing a district medical examiner's designee to perform required corneal removal of a decedent for purposes of corneal transplant under certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1042 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Peterson	Thomas, Pat
Barron	Graham	Poston	Tobiassen
Castor	Hair	Renick	Trask
Chamberlin	Holloway	Sayler	Williamson
Childers, Don	Johnston	Scarborough	Winn
Childers, W. D.	MacKay	Skinner	Zinkil
Firestone	McClain	Spicola	
Glisson	Myers	Thomas, Jon	

Nays—None

SB 1197—A bill to be entitled An act relating to nonprofit dental service plan corporations; creating part III of chapter 637, Florida Statutes, authorizing the creation of nonprofit dental service plan corporations, deemed charitable and benevolent institutions by this act, under the supervision of the Department of Insurance; providing for the incorporation of such dental service plans; providing that contracts between such corporations and subscribers are subject to approval by the department; providing for the contractual liability of such corporations; providing for insurance; requiring certain working capital; prohibiting employees or representatives of dental service plan corporations from performing certain actions; authorizing examinations, and requiring the Department of Insurance to examine such corporations under certain circumstances; providing that such corporations be licensed and regulated by the department; providing that funds of nonprofit dental service plan corporations may be invested in specified securities; prohibiting persons or corporations who are not certified by the Department of Insurance from holding themselves out as nonprofit dental service plan corporations; providing for the dissolution of nonprofit dental service plan corporations; providing for revocation of licenses; declaring corporations licensed under this act to be charitable and benevolent institutions and exempt from certain taxation; providing for the disposition of nonprofit dental service plan corporations in existence before the passage of this act; providing penalties; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 8, line 18, and page 14, line 11, strike "3 months" and insert: one year

Amendment 2—On page 13, strike all of lines 15-22 and re-number accordingly.

Amendment 3—On page 1 in title, line 31, and page 2, lines 1-3, strike "declaring corporations licensed under this act to be charitable and benevolent institutions and exempt from certain taxation"

On motion by Senator W. D. Childers, by two-thirds vote SB 1197 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—23

Barron	Graham	Peterson	Thomas, Pat
Castor	Hair	Poston	Tobiassen
Childers, Don	Holloway	Renick	Williamson
Childers, W. D.	Johnston	Scarborough	Winn
Firestone	MacKay	Spicola	Zinkil
Glisson	Myers	Thomas, Jon	

Nays—None

Vote after roll call:

Yea—McClain

SB 804—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; creating ss. 372.9911-372.9915, Florida Statutes; providing legislative intent; providing definitions; providing powers and duties of the commission for the regulation of the use of motor vehicles on public lands; providing a penalty for damage to certain lands; defining damage; providing civil liability; providing for the registration of off-road vehicles; establishing a maximum fee; prohibiting the operation of unregistered off-road vehicles on public land; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Jon Thomas and adopted:

Amendment 1—On page 2, line 13, after the word "landowner" insert: or mineral owner

On motion by Senator Jon Thomas, by two-thirds vote SB 804 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Graham	Peterson	Thomas, Pat
Barron	Hair	Poston	Tobiassen
Castor	Holloway	Renick	Williamson
Childers, Don	Johnston	Scarborough	Winn
Childers, W. D.	MacKay	Scott	Zinkil
Firestone	McClain	Spicola	
Glisson	Myers	Thomas, Jon	

Nays—None

Consideration of SB 119 was deferred.

CS for SB 100, by the Committee on Governmental Operations and Senator Graham, was read the first time by title and SB 100 was laid on the table.

On motion by Senator Graham, the rules were waived and by two-thirds vote CS for HB 572 was withdrawn from the Committee on Governmental Operations.

Further consideration of CS for SB 100 was deferred.

By the Committee on Health and Rehabilitative Services and Senator Graham—

CS for SB 37—A bill to be entitled An act relating to state health planning; providing for the development of a state health plan; requiring annual submission to the Legislature; providing definitions; providing for functions of the Department of Health and Rehabilitative Services; providing an effective date.

—was read the first time by title and SB 37 was laid on the table.

On motion by Senator Graham, by two-thirds vote CS for SB 37 was read the second time by title.

Senator Graham moved the following amendments which were adopted:

Amendment 1—On page 1, line 21, strike "directly" and insert: as the basic component of the health element of the state comprehensive plan.

Amendment 2—On page 2, line 7, strike "State health plan" and insert: Public health plan

Amendment 3—On page 2, line 8-10, strike "submit to the legislature annually a plan for state activities in the area of health which shall be known as the state health plan." and insert: annually prepare a plan for state public health activities which will be known as the public health plan.

Amendment 4—On page 3, line 1, strike "state" and insert: public

Amendment 5—On page 3, line 3, insert after "involving": public

Amendment 6—On page 3, line 3, strike "all matters involving health," and insert: in the areas of public health

Amendment 7—On page 3, line 6-7, strike "to the Legislature"

Amendment 8—On page 3, lines 9-25, strike all of Subsections (4), (5), and (6) of Section 3 and insert: Section 4. State Health Element

The state health plan, which is to be based on the preliminary state health plan as required under PL 93-641 which shall be prepared by the department and reviewed by the statewide health coordinating council, along with the state public health plan shall be submitted to the Department of Administration and shall constitute a basic component for the health element of the state comprehensive plan. The Department of Administration may supplement the plan in order to assure the health element is incorporated as a coordinated and integral part of the state comprehensive plan, adopted pursuant to part I of chapter 23, Florida Statutes, or any revision thereof. The comprehensive plan with the health element shall be transmitted by the Division of State Planning of the Department of Administration, to the Governor for approval, and submitted by the Governor to the Legislature pursuant to s. 23.013, Florida Statutes.

Amendment 9—On page 3, line 26, insert: Section 5.

Amendment 10—On page 4, line 23, strike "Section 5." and insert: Section 6.

On motion by Senator Graham, by two-thirds vote CS for SB 37 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Barron	Graham	Renick	Tobiassen
Castor	Johnston	Sayler	Vogt
Chamberlin	MacKay	Scarborough	Ware
Childers, Don	McClain	Skinner	Williamson
Childers, W. D.	Myers	Spicola	Winn
Firestone	Plante	Thomas, Jon	Zinkil
Glisson	Poston	Thomas, Pat	

Nays—None

Votes after roll call:

Yea—Hair, Peterson

The hour of 3:00 p.m. having arrived, the Senate proceeded to consideration of—

HB 1991—A bill to be entitled An act relating to the Department of Commerce; adding subsection (6) to s. 20.17, Florida Statutes, creating the Central South American and Caribbean Trade and Development Commission; providing for the composition and appointment of the members of the commis-

sion; providing for reimbursement for necessary travel expenses and per diem of the members and staff; providing functions of the commission; providing powers and duties thereof; requiring an annual report to the Governor and the Legislature; providing for an executive director by appointment; providing for employees pursuant to state personnel system, and contracts for special services; providing for certain interagency cooperation; providing for an office in the Capitol; providing an effective date.

—which was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Trask and adopted:

Amendment 1—On page 4, line 11 after the word "effect": strike "July 1" and insert: November 1

Amendment 2—On page 2, line 28, strike ", tourism, agriculture" and insert: other than agricultural, tourism

The Committee on Commerce offered the following amendment which was moved by Senator Barron and adopted:

Amendment 3—On page 2, strike lines 1-11 and insert:

2. The commission shall consist of a chairman and two other members appointed by the Governor. Members shall serve for terms of 4 years, except that the members first appointed shall serve for terms of 4, 3, and 2 years respectively. A vacancy for the unexpired term of a member shall be filled in the same manner as provided herein for an original appointment.

The Committee on Commerce offered the following amendments which were moved by Senator Pat Thomas and adopted:

Amendment 4—On page 4, lines 8-10, strike "*The commission may hold sessions and conduct meetings at any place within the state.*"

Amendment 5—On page 2, lines 22 and 24, and on page 3, line 6 strike "*Latin*" and insert: *Central*

Amendment 6—On page 1, lines 4, 26, 29, insert: after "*Central*" and

Senator Sayler moved the following amendment which was adopted:

Amendment 7—On page 4, lines 6-7, strike "which shall be provided in the capitol or some other suitable building in the City of Tallahassee," and insert: in a place designated by the governor

The Committee on Commerce offered the following amendment which was moved by Senator Pat Thomas and adopted:

Amendment 8—On page 1, lines 17-18 in title, strike "the Capitol" and insert: Tallahassee

On motion by Senator Pat Thomas, by two-thirds vote HB 1991 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Dunn	Poston	Thomas, Jon
Barron	Firestone	Renick	Thomas, Pat
Castor	Glisson	Sayler	Trask
Chamberlin	MacKay	Scarborough	Winn
Childers, Don	McClain	Scott	
Childers, W. D.	Myers	Spicola	

Nays—8

Gorman	Johnston	Skinner	Ware
Henderson	Plante	Tobiassen	Williamson

Votes after roll call:

Yea—Graham
Nay—Peterson

Consideration of SB 39 was deferred.

The Senate resumed consideration of—

SB 1345—A bill to be entitled An act relating to diversion of utility or cable television service; adding s. 812.14(2)(c), Florida Statutes; making it unlawful to use or receive benefit from the use of utility, cable television, or community antenna line service under certain circumstances; providing a penalty; providing an effective date.

On motion by Senator Plante, the Senate reconsidered the vote by which Amendment 3 was adopted. Amendment 3 failed.

Senator Holloway moved the following amendment which was adopted:

Amendment 4—On page 1, line 24, strike the period and insert: owned, operated or controlled by such utility or cable television service or community antenna line service.

On motion by Senator Plante, by two-thirds vote SB 1345 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	Peterson	Thomas, Jon
Castor	Graham	Plante	Thomas, Pat
Chamberlin	Holloway	Poston	Tobiassen
Childers, W. D.	Johnston	Renick	Trask
Dunn	MacKay	Sayler	Vogt
Firestone	McClain	Scott	Winn
Glisson	Myers	Skinner	Zinkil

Nays—5

Childers, Don	Henderson	Scarborough	Williamson
Gallen			

Vote after roll call:

Yea—Spicola

Senator Ware presiding

SB 40—A bill to be entitled An act relating to juveniles; renumbering s. 39.02(6), Florida Statutes and adding a new subsection (6) to said section; providing that once a child has been transferred for criminal prosecution or indicted, and convicted of a criminal offense, the court shall be divested of jurisdiction over him for all pending or subsequent criminal offenses; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote SB 40 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Barron	Graham	Renick	Trask
Childers, Don	Henderson	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Firestone	McClain	Spicola	Wilson
Glisson	Myers	Thomas, Jon	Winn
Gorman	Poston	Thomas, Pat	Zinkil

Nays—1

Chamberlin

Vote after roll call:

Nay—Peterson

By the Committee on Transportation and Senator Myers—

CS for SB 64—A bill to be entitled An act relating to motor vehicle safety equipment inspections; amending s. 325.16, Florida Statutes; providing for a motor vehicle which fails the safety equipment inspection to be reinspected one time within 30 days without additional charge; amending s. 325.19, Florida Statutes; eliminating the inspection of emission control devices, other con-

ditions as may be reasonably demonstrated to render a motor vehicle unsafe, and exhaust system noise level; requiring the adjustment of headlights at inspection stations under certain conditions; repealing s. 325.14(3), Florida Statutes, which prohibits an inspection certificate from being attached to a motor vehicle unless the owner or operator submits proof of current registration to an inspector; providing an effective date.

—was read the first time by title and SB 64 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SB 64 was read the second time by title.

The President presiding

Senator Graham moved the following amendments which were adopted:

Amendment 1—On page 4, line 29, insert the following and renumber subsequent sections:

Section 3. Section 325.27, Florida Statutes, is amended to read:

325.27 Operation of inspection stations by counties.—Whenever any county of this state shall make application through its duly elected county officials for a license to operate inspection stations as provided for in this part, the department shall cause an investigation of said application to determine that the requirements of s. 325.20(1) except paragraph (a) will be met and provided for by said county and that adequate and proper facilities to accommodate the public will be provided. Upon satisfactory proof of same, the department shall issue said county the exclusive rights of inspection stations within its boundaries until same shall be revoked for cause as provided for in this part; provided, however, that such jurisdiction within the confines of any county shall not apply to any approved self-inspector meeting the requirements of this part. Any county desiring rights under this part shall make proper application for said license prior to January 1, 1968, ~~or forfeit any rights under this part.~~ *Any county which on January 1, 1978 was licensed to operate a motor vehicle inspection program may, upon a determination that its existing inspection facilities are inadequate to accommodate the number of registered vehicles in the county, petition the Department of Highway Safety and Motor Vehicles to also license private inspection stations in the county. Upon concurrence of the department of the need for additional facilities, applications may be approved by the department for any person, firm, or agency to operate inspection stations as provided in s. 325.20.* Any county or municipality to which has been issued the rights of inspection stations within its boundaries is hereby authorized to pledge its share of inspection fees for the purpose of issuing revenue certificates for the purchase and construction of adequate and proper facilities for the purpose of this part. The revenue certificates authorized herein may be issued under the provisions of chapter 159, or other appropriate special or general legislation. The department shall notify each county of the state of its rights under this section at least 60 days prior to January 1, 1968.

Section 4. Subsection (3) of section 325.14, Florida Statutes, is hereby repealed.

Section 5. This act shall take effect July 1, 1978.

Amendment 2—On page 1 in title, line 14, after "conditions," insert: amending s. 325.27, Florida Statutes; deleting language relating to forfeiture by counties of rights to operate inspection stations; authorizing certain counties to petition the Department of Highway Safety and Motor Vehicles to license private inspection stations in the county; providing a procedure for approval of applications made under such circumstances;

On motion by Senator Myers, by two-thirds vote CS for SB 64 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Barron	Childers, Don	Dunn	Glisson
Chamberlin	Childers, W. D.	Firestone	Gordon

Gorman	McClain	Scarborough	Tobiassen
Graham	Myers	Scott	Trask
Henderson	Plante	Skinner	Vogt
Holloway	Poston	Spicola	Ware
Johnston	Renick	Thomas, Jon	Winn
MacKay	Sayler	Thomas, Pat	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

Senator Holloway moved that the Senate reconsider the vote by which SB 1355 failed to be placed on third reading. The motion failed.

On motion by Senator Henderson, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

INTRODUCTION

By Senator Henderson—

SCR 1359—A concurrent resolution requesting the Governor of the State of Florida to return Senate Bill 340 to the Legislature for the purpose of further consideration.

—was read the first time in full and on motion by Senator Henderson, placed on the calendar.

On motions by Senator Henderson SCR 1359 was taken up out of order by unanimous consent and by two-thirds vote read the second time by title, adopted and certified to the House. The vote was:

Yeas—24

Mr. President	Gorman	Poston	Thomas, Pat
Castor	Graham	Renick	Tobiassen
Childers, W. D.	Henderson	Sayler	Trask
Dunn	Holloway	Scott	Vogt
Firestone	McClain	Spicola	Ware
Glisson	Myers	Thomas, Jon	Winn

Nays—1

Childers, Don

SB 1149 was taken up and on motion by Senator Ware, by two-thirds vote HB 1887 was withdrawn from the Committee on Health and Rehabilitative Services. On motion by Senator Ware—

HB 1887—A bill to be entitled An act relating to diabetes mellitus; amending s. 241.753, Florida Statutes, providing diabetes program duties of the Department of Health and Rehabilitative Services and the diabetes centers; amending s. 241.755(3), Florida Statutes, providing for membership of the Diabetes Advisory Council; amending s. 241.757(2), Florida Statutes, providing for general revenue funds; providing an effective date.

—a companion measure, was substituted for SB 1149 and read the second time by title.

Senator Ware moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 20-23 and insert: Section 2. Subsections (1) and (3) of section 241.755, Florida Statutes, are amended to read:

241.755 Diabetes Advisory Council; creation; function; membership.—

(1) There is created a Diabetes Advisory Council to the diabetes centers composed of 17 ~~45~~ citizens of this state to advise and consult with the deans of the medical schools in which are located diabetes centers and the Secretary of the Department of Health and Rehabilitative Services in developing over-

all policy and procedures to establish a statewide health care delivery system for diabetes mellitus.

Amendment 2—On page 1, line 6 in title, strike "241.755(3)" and insert: 241.755(1), (3)

On motion by Senator Ware, by two-thirds vote HB 1887 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Glisson	Poston	Tobiassen
Castor	Graham	Renick	Trask
Childers, Don	Holloway	Sayler	Vogt
Childers, W. D.	Johnston	Scott	Ware
Dunn	MacKay	Spicola	Winn
Firestone	McClain	Thomas, Jon	Zinkil
Gallen	Myers	Thomas, Pat	

Nays—None

SB 1149 was laid on the table.

SB 1185—A bill to be entitled An act relating to the tax exemption for totally and permanently disabled persons; amending ss. 196.012(10), 196.101(3), (5), Florida Statutes; providing additional requirements with respect to persons defined as being totally and permanently disabled for purposes of such exemption; amending the form of the Physician's Certification of Total and Permanent Disability accordingly; providing an effective date.

—was read the second time by title.

Senator Poston moved the following amendments which were adopted:

Amendment 1—On page 2, lines 1-4, strike all language and insert: Section 2. Subsections (2), (3) and (5) of section 196.101, Florida Statutes, are amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(2) Any real estate used and owned as a homestead by a paraplegic, hemiplegic, or other totally and permanently disabled person, as defined in subsection 196.012(10), who must use a wheelchair for mobility or who is legally blind or who is affected by an impairment of mind or body which makes it impossible for the disabled person to follow a substantially gainful occupation, and which impairment is reasonably certain to continue throughout the life of the disabled person, shall be exempt from taxation.

Amendment 2—On page 3, line 7, insert: after the word "mobility" or which makes it impossible for the person to follow a substantially gainful occupation and which is reasonably certain to continue throughout the life of the person

Senator Plante moved the following amendments which were adopted:

Amendment 3—On page 1, line 23, insert after the word "Administration": or Social Security Administration

Amendment 4—On page 2, line 9, insert after the word "Administration": or Social Security Administration

Amendment 5—On page 2, after line 4, insert: (2) Any real estate used and owned as a homestead by a paraplegic, hemiplegic, or other totally and permanently disabled person, as defined in subsection 196.012(10), who must use a wheelchair for mobility or person who is legally blind, shall be exempt from taxation.

Amendment 6—On page 3, lines 6 and 7, strike all language and insert: . . . other total and permanent disability requiring use of a wheelchair for mobility

Amendment 7—On page 2, line 1, insert: (after the words subsections) (2),

Amendment 8—On page 1, line 4 in title, insert after "196.101": (2),

Senator Poston moved the following amendments which were adopted:

Amendment 9—On page 1, lines 4-5 in title, strike "196.101(3)" and insert: 196.101(2), (3)

Amendment 10—On page 1, line 5 in title, after the semicolon insert: exempting any real estate used and owned by a person who is affected by an impairment of mind or body which makes it impossible for the disabled person to follow a substantially gainful occupation, and which impairment is reasonably certain to continue throughout the life of the disabled person;

Further consideration of SB 1185 was deferred.

HB 35—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112.0801, Florida Statutes, authorizing community colleges which provide group insurance plans for employees to continue such coverage with respect to retired employees under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendment which failed:

Amendment 1—On page 1, line 24, strike "may shall be entirely paid for by the employer or retired employee" and insert: shall be entirely paid for by the retired employee.

Senator Don Childers moved the following amendments which were adopted:

Amendment 2—On page 1, between lines 25 and 26, insert: a new Section 2 and renumber subsequent section

Section 2. The state officers and employees group insurance program functions of the Department of Administration authorized under s. 112.075, Florida Statutes, are transferred by a type four transfer, as defined in s. 20.06(4), Florida Statutes, to the Department of Insurance.

Amendment 3—On page 1, in title, after the semicolon insert: transferring the state officers and employees group insurance program functions from the Department of Administration to the Department of Insurance;

On motion by Senator Pat Thomas, by two-thirds vote HB 35 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Castor	Graham	Poston	Thomas, Pat
Chamberlin	Henderson	Renick	Tobiassen
Childers, Don	Holloway	Sayler	Trask
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	MacKay	Scott	Williamson
Firestone	McClain	Skinner	Winn
Gallen	Myers	Spicola	Zinkil
Glisson	Peterson	Thomas, Jon	

Nays—None

Senator Trask presiding

CS for CS for SB 119—A bill to be entitled An act relating to juveniles; dividing into parts chapter 39, Florida Statutes; amending ss. 39.001-39.12, 39.14, 39.19, 39.33-39.333, 39.334(4), (5), 39.335, Florida Statutes; creating the Florida Juvenile Justice Act; changing nomenclature; clarifying ambiguities; providing automatic waiver in certain cases; providing authority to file informations in certain cases; providing certain time limitations; creating ss. 39.031, 39.032, 39.071, 39.111, 39.112, 39.40-39.411, Florida Statutes; providing authority to fingerprint and photograph certain juveniles and to use such data for identification purposes; providing certain persons authority to inspect and use juvenile records; providing alternative powers of dis-

position; providing procedures for and immunity from incurring civil liability for medical, psychiatric, and psychological examination and treatment; providing rights to counsel, rights against self-incrimination, and fundamentally fair hearings; requiring parents or legal custodians to be subpoenaed to attend delinquency disposition hearings and permitting parental comment at such hearings; providing a community control program to include a penalty appropriate to offense and a rehabilitative program in lieu of probation and establishing community control advisory councils in each judicial circuit; renumbering and amending s. 959.115, Florida Statutes; providing alternative dispositions for juveniles prosecuted as adults; repealing s. 39.03 (3)(b), (c), (4)-(7), Florida Statutes, relating to the intake officer's duties and criteria for placement of a child in detention or shelter care; repealing s. 39.11(1), (5), (6), Florida Statutes, relating to power of the court when a child is adjudicated a dependent child, and reenacting procedures for dependency cases in part III of chapter 39, Florida Statutes; amending ss. 959.13, 394.57, 394.60, Florida Statutes, relating to the transfer and treatment for mental health care of children; providing an effective date.

—was taken up with pending Amendment 1 which was adopted:

Amendment 1—On page 77, strike everything after "counsel.—" on line 1 through the period on line 8.

Senator Myers moved the following amendment:

Amendment 2—On page 28, lines 9-23, strike all of said lines and renumber

The President presiding

Senators Dunn and MacKay offered the following substitute amendment which was moved by Senator Dunn and adopted:

Amendment 3—On page 28, lines 16-23, strike the colon and everything on lines 17-23 and insert: *had not previously been found to have committed a delinquent act involving an offense classified under Florida law as a felony;*

Senator Myers moved that the Senate reconsider the vote by which Amendment 3 was adopted. The motion failed.

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On page 84, strike all of lines 10-17 and insert: detrimental to the juvenile's welfare; or if the parent or parents who are entitled to notice under subsection (3) have voluntarily surrendered, by written instrument, the juvenile for subsequent adoption, and have personally appeared before the court and the court has found that the parent or parents have voluntarily surrendered the juvenile with full knowledge of the effect and finality of such surrender; and if the court finds that it is manifestly in the best interest of the juvenile to do so. The personal appearance of the parent or parents before the court shall not be required in a case where the juvenile is less than three months of age and has never been in the care or custody of the parent or parents, or in a case where the court has found for good cause that a personal appearance should be waived. If personal appearance of the parent or parents is waived, the voluntary surrender of the juvenile shall be witnessed and attested to by two persons and acknowledged before an officer authorized to administer oaths.

Senator Myers moved the following amendments which failed:

Amendment 5—On page 22, strike all of line 27 and insert: hearing within 24 hours of his being taken into custody,

Amendment 6—On page 24, strike all of line 15 and strike all of line 20 and insert: On line 15 crisis home under a special detention order for more than 14 and on line 20 fails to return an indictment within the 14-day period, or

Senator Plante presiding

On motion by Senator Dunn, by two-thirds vote CS for CS for SB 119 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Castor	Gorman	Plante	Thomas, Pat
Chamberlin	Graham	Poston	Tobiassen
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Johnston	Saylor	Ware
Dunn	Lewis	Scarborough	Winn
Firestone	MacKay	Scott	Zinkil
Gallen	McClain	Skinner	
Glisson	Myers	Spicola	
Gordon	Peterson	Thomas, Jon	

Nays—1

Wilson

On motion by Senator Henderson, the Senate reconsidered the vote by which—

HB 854—A bill to be entitled An act relating to mobile homes and recreational vehicles; amending s. 320.03(1), (3), Florida Statutes; requiring tax collectors to deliver and account for mobile home stickers; amending s. 320.031, Florida Statutes; providing for the mailing of mobile home stickers and for the collection of a service charge for such mailing; amending s. 320.04(1), Florida Statutes; providing a service charge for applications for such stickers; amending s. 320.06(2)(a), Florida Statutes, and adding s. 320.06(2)(g), (4)(c), Florida Statutes; deleting a reference to mobile home license plates; providing for exchange of mobile home stickers; prohibiting the giving of credit or refunds in connection with such exchange; providing for size, coloring, and numbering of mobile home stickers; providing for the annual issuance of such stickers; amending s. 320.081(1), Florida Statutes; providing for issuance of an RV license plate or mobile home sticker to evidence payment of certain fees; amending s. 320.0815, Florida Statutes; requiring issuance of RV license plates to certain vehicles; requiring issuance of mobile home stickers to certain recreational vehicles and mobile homes; requiring issuance of RP stickers to recreational vehicles or mobile homes which are taxed as real property; providing for the display of such plates or stickers; amending s. 320.35, Florida Statutes; exempting a mobile home bearing the appropriate sticker from certain license plate display requirements; providing that the operation over the public streets or the use for housing of a vehicle without the plate or sticker assigned to that vehicle be deemed operation or use without proper license; amending s. 320.37, Florida Statutes; limiting, with respect to certain vehicles owned by nonresidents, the exemption from certain registration requirements; providing an effective date.

—as amended passed this day.

On motion by Senator Henderson, the Senate reconsidered the vote by which HB 854 was read the third time by title.

On motions by Senator Henderson, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted.

By permission, Senator Henderson withdrew Amendments 1 and 2.

On motion by Senator Henderson, by two-thirds vote HB 854 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Castor	Graham	Poston	Thomas, Pat
Childers, Don	Henderson	Renick	Tobiassen
Childers, W. D.	Holloway	Saylor	Vogt
Dunn	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Williamson
Gallen	MacKay	Skinner	Wilson
Glisson	McClain	Spicola	Winn
Gorman	Plante	Thomas, Jon	Zinkil

Nays—None

On motion by Senator Jon Thomas, the Senate reconsidered the vote by which—

CS for SB 37—A bill to be entitled An act relating to state health planning; providing for the development of a state health plan; requiring annual submission to the Legislature; providing definitions; providing for functions of the Department of Health and Rehabilitative Services; providing an effective date.

—as amended passed this day.

Senator Graham moved the following amendment which was adopted by two-thirds vote:

Amendment 11—On page 1, line 21, strike "directly to the Legislature for its consideration during the policy-making and resource allocation processes." and insert: as the basic component of the health element of the state comprehensive plan.

On motion by Senator Jon Thomas, by two-thirds vote CS for SB 37 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Castor	Graham	Poston	Tobiassen
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil
Gordon	Peterson	Thomas, Jon	
Gorman	Plante	Thomas, Pat	

Nays—None

On motion by Senator Sayler, by two-thirds vote CS for HB 1886 was withdrawn from the Committee on Education.

The Senate resumed—

SB 1185—A bill to be entitled An act relating to the tax exemption for totally and permanently disabled persons; amending ss. 196.012(10), 196.101(3), (5), Florida Statutes; providing additional requirements with respect to persons defined as being totally and permanently disabled for purposes of such exemption; amending the form of the Physician's Certification of Total and Permanent Disability accordingly; providing an effective date.

On motions by Senator Vogt, the Senate reconsidered the vote by which Amendments 1, 2, 9 and 10 were adopted.

By permission, Senator Vogt withdrew Amendments 1, 2, 9 and 10.

On motion by Senator Vogt, by two-thirds vote SB 1185 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Castor	Graham	Renick	Vogt
Childers, Don	Henderson	Sayler	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Glisson	Peterson	Thomas, Jon	
Gordon	Plante	Thomas, Pat	
Gorman	Poston	Tobiassen	

Nays—None

On motion by Senator W. D. Childers, the rules were waived and time of adjournment was extended until 5:30 p.m.

The President presiding

The Senate resumed consideration of CS for SB 100, and on motion by Senator Graham—

CS for HB 572—A bill to be entitled An act relating to Human Rights Advocacy Committees; amending s. 20.19(6)(e) and (7), Florida Statutes; providing a restriction with respect to members of the committees; providing for committee access to certain client files, reports and confidential information; providing a penalty for disclosing confidential information therein; providing that the statewide committee, rather than district administrator, shall determine areas of responsibility of district committees; providing that the statewide committee shall review the operations of district committees; modifying membership requirements with respect to district committees; decreasing terms served on district committees from 4 years to 2 years; providing that the district committee, rather than the district administrator, shall fill vacancies, subject to gubernatorial approval; providing that nonaction constitutes approval in certain cases; requiring district committees to comply with procedures established by the statewide committee; providing for certain reimbursement of district committee members; providing that members currently serving may complete terms to which appointed; amending s. 827.09(6), Florida Statutes, requiring the department within a certain time to notify the appropriate human rights advocacy committee that an abuse has occurred; providing an effective date.

—a companion measure, was substituted therefor and read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Jon Thomas and adopted:

Amendment 1—On page 2, line 19, strike "*elected*" and insert: *selected*

Senators Zinkil, Dunn, Gallen and Henderson offered the following amendments which were moved by Senator Zinkil and adopted:

Amendment 2—On page 3, line 1 after "from", insert: *a nursing home as licensed under Chap. 400, F.S.*,

Amendment 3—On page 3, line 15 after "from", insert: *a nursing home as licensed under Chap. 400, F.S.*,

Amendment 4—On page 7, line 16 after "from", insert: *a nursing home as licensed under Chap. 400, F.S.*,

Amendment 5—On page 7, line 24 after "from", insert: *a nursing home as licensed under Chap. 400, F.S.*,

Senator Graham moved the following amendment which was adopted:

Amendment 6—On page 9, line 14, insert: Section 4. For purposes of this act, nursing home shall not include intermediate care facilities for the mentally retarded.

Renumber remaining section.

On motion by Senator Graham, by two-thirds vote CS for HB 572 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gorman	Peterson	Thomas, Pat
Castor	Graham	Poston	Tobiassen
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Sayler	Ware
Childers, W. D.	Johnston	Scarborough	Wilson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Gordon	Myers	Thomas, Jon	

Nays—None

CS for SB 100 was laid on the table.

SB 39—A bill to be entitled An act relating to federal grants; creating s. 402.121, Florida Statutes; providing that federal grants under the Intermediate Care Facilities for the Mentally Retarded program be used only to supplement state funds and not to supplant state funds; providing that funds acquired shall be used for institutional or community retardation programs; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendments which were moved by Senator Graham and adopted:

Amendment 1—On page 1, line 19, strike the word “appropriated” and after the word “state” insert: general revenue

Amendment 2—On page 1, line 24, after “1978” strike: (the period) “.” and insert: and shall expire June 30, 1983.

Senator Graham moved the following amendments which were adopted:

Amendment 3—On page 1, line 24, insert: following language and renumber subsequent section:

Section 2. Section 393.16, Florida Statutes, is created to read:

393.16 Intermediate care facilities; intent; definition; trust fund.—

(1) The Legislature finds and declares that the establishment of intermediate care facilities for the mentally retarded and other developmentally disabled is financially difficult for private individuals, due to the initial expenditures required before reimbursement can begin for services rendered. Therefore, it is the intent of the Legislature to develop a loan trust fund for the purpose of granting loans to support and encourage the establishment of community-based intermediate care facilities for the mentally retarded and other developmentally disabled.

(2) As used in this section, “facility” means any residential intermediate care facility for the mentally retarded and other developmentally disabled which is operated, approved, or contracted with under the authority of the Department of Health and Rehabilitative Services, housing not fewer than 4 or more than 25 mentally retarded or developmentally disabled persons. A facility may be operated by a profit or nonprofit corporation, by a partnership, or by sole proprietorship.

(3) The Intermediate Care Facilities Trust Fund is hereby established in the State Treasury to be administered by the Department of Health and Rehabilitative Services for the purpose of granting loans to eligible facilities for the initial costs of operating the facilities. Operating costs may not include structural modification, the purchase of equipment or fire and safety devices, or the purchase of insurance, nor shall such costs include the actual construction of a facility.

(4) The department may grant to an eligible facility a lump sum loan in one payment, not to exceed 75 percent of the operating costs of the facility for up to 6 months’ care and maintenance for each mentally retarded or developmentally disabled person to be placed in the facility by the department. Loans granted to facilities shall not be in lieu of payment for maintenance and care provided, but shall stand separate and distinct. Each loan shall be used to provide programs and services as required under 45 CFR 249.13, federal regulations providing standards for intermediate care facility services, and shall be granted to a facility only upon the completion of a facility licensure/certification survey conducted by the department. The department shall promulgate rules, as provided in chapter 120, establishing the minimum standards under which a facility shall be eligible to receive a loan as provided in this section.

(5) Any loan granted by the department under this section shall be repaid at no interest by the facility within 6 months of the receipt of the initial facility Medicaid payment.

(6) If any facility which has received such a loan ceases to accept, or to provide care and maintenance to, persons placed in the facility by the department, or if any such facility files papers of bankruptcy, the loan shall become an interest-bearing loan, at the rate of 5 percent per annum on the entire amount of the initial loan, which shall be repaid within a 3-month

period from the date on which the facility ceases to provide care or files papers in bankruptcy, and the amount of the loan due, plus interest, shall constitute a lien in favor of the state against all real and personal property of the facility. The lien shall be perfected by the appropriate officer of the department by executing and acknowledging a statement of the name of the facility and the amount due on the loan and a copy of the promissory note, which shall be recorded by the department with the clerk of the circuit court in the county wherein the facility is located. If the facility has filed a petition for bankruptcy, the department shall file and enforce the lien in the bankruptcy proceedings. Otherwise, the lien shall be enforced in the manner provided in s. 85.011. All funds received by the department from the enforcement of the lien shall be deposited in the Intermediate Care Facilities Trust Fund.

Amendment 4—On page 1 in title, line 9, after the semicolon “,” insert: creating s. 393.16, Florida Statutes; providing legislative intent; defining “facility”; establishing an Intermediate Care Facilities Trust Fund; providing for administration of such fund; authorizing the Department of Health and Rehabilitative Services to grant loans to such facilities out of such fund; providing for the adoption of rules; providing for repayment of such loans; providing circumstances under which such a loan is interest-bearing; providing that under certain circumstances the unpaid amount of such loan, plus interest, shall become a lien; providing for perfection and enforcement of such lien; providing for deposit of funds received from enforcement of such lien;

On motion by Senator Graham, by two-thirds vote SB 39 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Peterson	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Saylor	Ware
Childers, W. D.	Holloway	Scarborough	Wilson
Firestone	Johnston	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	
Gordon	Myers	Thomas, Pat	

Nays—None

On motion by Senator Henderson, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 669 and SB 1137.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 368.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 448, SB 480 and SB 962.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 132 and CS for SB 856.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 5 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Gallagher and Bloom—

HB 5—A bill to be entitled An act relating to state government; providing definitions; authorizing state departments and agencies to recruit, train, and accept volunteers for state service; exempting volunteers from the provisions of Florida's unemployment compensation laws; providing a definition of the term volunteer; directing departments and agencies to make certain rules with respect to volunteers; providing benefits for volunteers; requiring state departments and agencies to include information on volunteers in their annual reports to the Legislature and the Governor; requiring departments and agencies to include volunteer impact statements in budget requests to the Legislature; providing an effective date.

—was read the first time by title. On motion by Senator Henderson, the rules were waived and the bill was placed on the calendar.

SPECIAL ORDER, continued

CS for SB 188, by the Committee on Appropriations and Senator Henderson, was read the first time by title and SB 188 was laid on the table.

On motion by Senator Henderson, HB 5, a companion measure to CS for SB 188 was substituted therefor. On motions by Senator Henderson, by two-thirds vote HB 5 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Peterson	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Saylor	Ware
Childers, W. D.	Holloway	Scarborough	Wilson
Firestone	Johnston	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	
Gordon	Myers	Thomas, Pat	

Nays—None

CS for SB 188 was laid on the table.

On motion by Senator Henderson, by two-thirds vote HB 2151 was placed on the special order calendar.

By the Committee on Finance, Taxation and Claims and Senator Firestone—

CS for SB 168—A bill to be entitled An act relating to consulates of foreign nations; adding s. 212.08(7)(1), Florida Statutes; exempting consular officers and consular employees from the sales, rental, use, and storage tax; providing an effective date.

—was read the first time by title and SB 168 was laid on the table.

On motions by Senator Firestone, by two-thirds vote CS for SB 168 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	Poston	Thomas, Pat
Castor	Hair	Renick	Tobiassen
Chamberlin	Henderson	Saylor	Trask
Childers, W. D.	Holloway	Scarborough	Vogt
Firestone	Johnston	Skinner	Wilson
Gallen	MacKay	Spicola	Winn
Glisson	McClain	Thomas, Jon	Zinkil

Nays—1

Childers, Don

Vote after roll call:

Yea—Graham

SB 292—A bill to be entitled An act relating to research projects wholly or partially financed by state funds; requiring all federal, state, or private agencies, colleges, universities, research stations, and others engaged in such research to file a report annually and upon commencement of any such project; requiring records to be kept by the Division of Library Services of the Department of State; providing exemptions; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Zinkil and adopted:

Amendment 1—On page 3, line 5, strike "Division of State Libraries" and insert: Division of Library Services

On motion by Senator Zinkil, by two-thirds vote SB 292 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Hair	Peterson	Thomas, Pat
Childers, Don	Henderson	Poston	Tobiassen
Childers, W. D.	Holloway	Renick	Trask
Firestone	Johnston	Saylor	Vogt
Gallen	MacKay	Scarborough	Ware
Glisson	McClain	Spicola	Winn
Gorman	Myers	Thomas, Jon	Zinkil

Nays—4

Chamberlin Graham Skinner Wilson

Vote after roll call:

Yea to Nay—MacKay

HB 2151—A bill to be entitled An act relating to thoroughbred horseracing; creating s. 550.2615, Florida Statutes, providing for the distribution of certain funds deducted from the purse pool to a horsemen's association; providing for an audit of all such accounts by the Division of Pari-mutuel Wagering of the Department of Business Regulation; providing for the suspension of said funds under certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 2151 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Chamberlin	Hair	Saylor	Vogt
Childers, Don	Henderson	Scarborough	Wilson
Childers, W. D.	Johnston	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Pat	
Glisson	Peterson	Tobiassen	
Gorman	Poston	Trask	

Nays—None

Vote after roll call:

Yea—Graham

SB 399—A bill to be entitled An act relating to the administration of state lands by the Board of Trustees of the Internal Improvement Trust Fund; adding s. 253.03(10), Florida Statutes; authorizing the board to adopt rules to provide for the assessment and collection of reasonable fees for specified

actions involving an interest in state lands and for the reproduction of documents; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 1—On page 1, line 20, after the word "fees" insert: , *commensurate with the actual cost to the board,*

On motion by Senator Vogt, by two-thirds vote SB 399 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Poston	Tobiassen
Castor	Graham	Renick	Trask
Chamberlin	Hair	Sayler	Vogt
Childers, Don	Henderson	Scarborough	Wilson
Childers, W. D.	Johnston	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Glisson	Peterson	Thomas, Pat	

Nays—None

By the Committee on Appropriations and Senator Sayler—

CS for SB 452—A bill to be entitled An act relating to resource recovery and management; adding s. 212.08(7)(1), Florida Statutes; adding s. 403.703(10), Florida Statutes; creating s. 403.715, Florida Statutes; exempting resource recovery equipment from the tax on sales, use, and other transactions; providing for certification of such equipment by the Department of Environmental Regulation; providing an effective date.

—was read the first time by title and SB 452 was laid on the table.

On motion by Senator Sayler, by two-thirds vote CS for SB 452 was read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 2, line 5, insert a new Section 3: Section 3. Subsection (4) of section 403.706, F.S., is amended and subsection (6) is added to said section to read:

403.706 Local resource recovery and management programs.—

(4) Nothing in this act, or in any rule adopted by any agency, shall be construed to require any county or municipality ~~counties and municipalities~~ to participate in any resource recovery program until the governing body of such county or municipality has determined that participation in such a program is economically feasible for that county or municipality ~~plan for recycling or recycle solid waste where sufficient solid waste is not generated to make it economically practical to engage in recycling and resource recovery programs, as recommended by the Resource Recovery Council.~~

(6) ~~Nothing in this chapter or in any rule adopted by any state agency hereunder shall require any person to subscribe to any private solid waste collection service.~~

Renumber subsequent sections.

Amendment 2—On page 1 in title, line 5, insert following the ";": amending s. 403.706(4), F.S.; prohibiting any requirement for any county or municipality to participate in any resource recovery program prior to a feasibility determination by the local government; adding s. 403.706(6), F.S.; prohibiting any requirement for any person to subscribe to any private solid waste collection service;

On motion by Senator Sayler, by two-thirds vote CS for SB 452 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Graham	Poston	Tobiassen
Castor	Hair	Renick	Trask
Chamberlin	Henderson	Sayler	Vogt
Childers, Don	Holloway	Scarborough	Wilson
Childers, W. D.	Johnston	Skinner	Winn
Firestone	MacKay	Spicola	
Gallen	McClain	Thomas, Jon	
Glisson	Peterson	Thomas, Pat	

Nays—1

Zinkil

On motion by Senator Zinkil, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 1426 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative McPherson and others—

HB 1426—A bill to be entitled An act relating to population determination for revenue sharing purposes; amending s. 23.-019(1), Florida Statutes, to change the date by which the Department of Administration produces such population estimates of local governmental units; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

SPECIAL ORDER, continued

SB 799 was taken up and on motion by Senator Zinkil, by two-thirds vote HB 1426 was withdrawn from the Committee on Governmental Operations. On motion by Senator Zinkil—

HB 1426—A bill to be entitled An act relating to population determination for revenue sharing purposes; amending s. 23.-019(1), Florida Statutes, to change the date by which the Department of Administration produces such population estimates of local governmental units; providing an effective date.

—a companion measure, was substituted for SB 799 and by two-thirds vote read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 1426 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Poston	Thomas, Pat
Chamberlin	Hair	Renick	Tobiassen
Childers, Don	Henderson	Sayler	Trask
Childers, W. D.	Holloway	Scarborough	Vogt
Firestone	Johnston	Scott	Winn
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	

Nays—None

By the Committee on Agriculture and Senators MacKay and Dunn—

CS for SB 812—A bill to be entitled An act relating to treated fence posts; creating the Florida Treated Fence Post Act; requiring licensing with the Department of Agriculture and Consumer Services of certain persons dealing in treated fence posts in this state; providing fees; requiring marking of treated fence posts and certain disclosure to purchasers; providing for inspection by department; providing penalties; providing for injunction; providing an effective date.

—was read the first time by title and SB 812 was laid on the table.

On motion by Senator MacKay, by two-thirds vote CS for SB 812 was read the second time by title.

Senators Plante and MacKay offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 3, line 31, insert the following:

Section 7. Subsection (10) of section 570.283, F.S., is amended to read:

570.283 Division of Consumer Services; director; processing of complaints; records.—

(10) If the division by its own inquiry, or as a result of complaints, has reason to believe that a violation of the laws of the state relating to consumer protection has occurred or is occurring, it may conduct an investigation, subpoena witnesses and evidence, and administer oaths and affirmations; *if, as a result of the investigation, the Division has reason to believe a violation of Chapter 501 has occurred, the Division with the coordination of the Department of Legal Affairs and any state's attorney if the violation has occurred or is occurring within his judicial circuit, shall have the authority to bring an action in accordance with the provisions of Chapter 501.*

Renumber subsequent sections.

The Committee on Commerce offered the following amendments which were moved by Senator MacKay and adopted:

Amendment 2—On page 3, line 9, between the words "samples" and "for" insert: consistent with current industry sampling standards

Amendment 3—On page 3, line 13, strike the period and insert: , provided that such inspection is performed within 60 days from date of purchase.

Senators Plante and MacKay offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 4—On page 1, line 11, after the word "injunction;" insert: *amending s. 570.283(10), Florida Statutes; providing for enforcement authority for the Division of Consumer Services;*

On motion by Senator MacKay, by two-thirds vote CS for SB 812 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Peterson	Thomas, Jon
Castor	Graham	Poston	Thomas, Pat
Chamberlin	Hair	Renick	Tobiassen
Childers, Don	Henderson	Sayler	Trask
Childers, W. D.	Holloway	Scarborough	Winn
Dunn	Johnston	Scott	Zinkil
Firestone	MacKay	Skinner	
Gallen	McClain	Spicola	

Nays—1

Wilson

Votes after roll call:

Yea—Glisson
Nay to Yea—Wilson

SB 830—A bill to be entitled An act relating to insurance; creating s. 627.7378, Florida Statutes; providing that deductibles for comprehensive motor vehicle insurance policies shall not apply to damage to glass; providing an effective date.

—was read the second time by title.

Senator Pat Thomas moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, strike "1978" and insert: 1979.

On motion by Senator Trask, by two-thirds vote SB 830 as amended was read the third time by title, passed, ordered

engrossed and then certified to the House. The vote on passage was:

Yeas—17

Mr. President	Graham	Renick	Vogt
Childers, Don	Hair	Scarborough	Winn
Dunn	Johnston	Spicola	
Firestone	Myers	Thomas, Jon	
Gorman	Poston	Trask	

Nays—16

Castor	MacKay	Scott	Ware
Childers, W. D.	McClain	Skinner	Williamson
Glisson	Plante	Thomas, Pat	Wilson
Henderson	Sayler	Tobiassen	Zinkil

Votes after roll call:

Yea to Nay—Spicola
Nay to Yea—Zinkil

SB 670—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.0841(1), Florida Statutes; requiring the Department of Highway Safety and Motor Vehicles to issue, free of charge, a certain number of license plates each year to members of the Seminole and Miccosukee Indian Tribes; providing circumstances for the annual increase in the number of license plates so issued; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote SB 670 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	Myers	Thomas, Jon
Childers, Don	Graham	Plante	Thomas, Pat
Childers, W. D.	Henderson	Poston	Tobiassen
Dunn	Holloway	Renick	Trask
Firestone	Johnston	Scarborough	Vogt
Glisson	MacKay	Skinner	Winn
Gordon	McClain	Spicola	Zinkil

Nays—None

Votes after roll call:

Yea—Hair, Scott

On motion by Senator Jon Thomas, the Senate reconsidered the vote by which SB 830 passed this day. Consideration of SB 830 was deferred.

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SCR 1343 was withdrawn from the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments to CS for SB 549 and requests a Conference Committee.

Allen Morris, Clerk

Senator Peterson moved that the Senate again refuse to concur in the House amendments and accede to the request for a conference committee.

Senator Chamberlin moved as a substitute motion that the Senate concur in the House amendments. The motion failed.

The motion by Senator Peterson was adopted and the action of the Senate was certified to the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Plante—

SB 756—A bill to be entitled An act relating to warranties; amending s. 634.301(3), Florida Statutes; providing that part II of chapter 634, Florida Statutes, applies only to warranties sold in connection with the sale or inspection of residential property; adding s. 634.301(9), (10), Florida Statutes; providing additional definitions; amending s. 634.308(3)(a), Florida Statutes; authorizing the immediate suspension of the license of a home warranty association which is financially impaired; amending s. 634.318, Florida Statutes; increasing the registration fee of contracting sales agents; creating s. 634.329, Florida Statutes; providing for dissolution or liquidation of corporations subject to part II of chapter 634, Florida Statutes; creating part III of chapter 634, Florida Statutes, consisting of ss. 634.401-634.431, Florida Statutes; providing definitions; providing for promulgation of rules by the Department of Insurance; requiring persons who provide service warranties to be licensed; providing qualifications for licensure; requiring deposits, bonds, or letters of credit to be filed with the department; establishing financial requirements; providing procedures for the application, issuance, and renewal of licenses and for the payment of license fees; providing grounds, procedures, and duration of the suspension or revocation of a license; providing for imposition of administrative fine in lieu of suspension or revocation; providing for departmental approval of service warranty forms; requiring service warranty associations to file statements with the department; authorizing the department to impose a premium tax; providing a penalty; providing for the examination of service warranty associations; providing for the appointment of the Insurance Commissioner to receive service of legal process and for service procedures in actions against associations; requiring the registration of persons who solicit, negotiate, advertise, or effectuate service warranty contracts; providing for the reporting and accounting of funds; providing grounds and procedures for compulsory and discretionary refusal, suspension, or revocation of registrations of sales representatives; providing for administrative fines; providing for the disposition of taxes and fees; restricting the business practices of associations; prohibiting as insurer or association from fronting for an unauthorized insurer or unlicensed association; providing for the dissolution or liquidation of associations; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 6, strike “or inspection”

Amendment 2—On page 3, line 22, after “code” insert: *This part shall not apply to service contracts entered into between consumers and nonprofit organizations or cooperatives whose members consist of condominium associations and condominium owners which perform repairs and maintenance for appliances or maintenance of the residential property.*

On motions by Senator Plante, the Senate concurred in the House amendments.

SB 756 as amended passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gordon	McClain	Spicola
Castor	Gorman	Myers	Thomas, Jon
Chamberlin	Graham	Plante	Thomas, Pat
Childers, Don	Hair	Poston	Trask
Dunn	Henderson	Renick	Vogt
Firestone	Holloway	Scarborough	Williamson
Gallen	Johnston	Scott	Winn
Glisson	MacKay	Skinner	Zinkil

Nays—None

Votes after roll call:

Yea—W. D. Childers, Tobiassen

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1359.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 1169	SB 1200	SB 615
SB 625		

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 624	SB 1138
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Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 67	SB 754	SB 881
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Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

ENROLLING REPORTS

SCR 1321 and SCR 1354 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 30, 1978.

Joe Brown, Secretary

CS for SB 169	SB 487	CS for SB 590
SB 171	SB 803	SB 862
SB 186	SB 827	SB 963
SB 309	SB 419	SB 658
SB 337	CS for SB 508	

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 30, 1978.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 29, was corrected and approved as follows: Page 555, counting from bottom of column 2, line 33, strike “1356” and insert: 1536

The Journal of May 24 was further corrected and approved as follows:

Page 449, column 1, line 36, strike “20” and insert: 220

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:31 p.m. to convene at 8:30 a.m., May 31, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.